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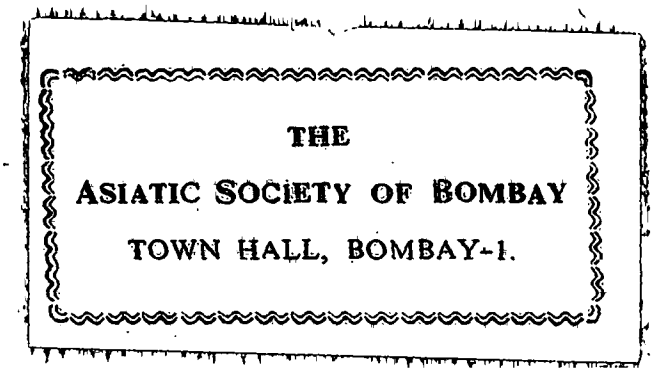

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MEMORIAL

TO

HER MAJESTY THE QUEEN

FROM (THE LATE)

H. H. SUGUNA BAI SAHEB,

RANI OF SATTARA,

36119 ac

WIDOW OF THE LATE H. H. CHHATRAPATI APPA SAHEB MAHARAJ,

RAJA OF SATTARA

IN THE

DECCAN—EAST INDIES.

DATED MARCH 14TH 1874.

LATION FORWARDED TO GOVERNMENTS OF BOMBAY AND INDIA, 24TH SEPTEMBER,
AND TO HER MAJESTY'S SECRETARY OF STATE FOR INDIA, 25TH SEPTEMBER.

BOMBAY:
PRINTED BY N. R. RÁNINÁ AT THE UNION PRESS.

1874.

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,,	,,	*g*	309	426	Unfinished Memorandum by Maharaja on the morning of his death, sent to the Resident by the Memorialist.
,,	J	...	310	427	Do. by Resident to the Bombay Government, April 14—1848.
,,	K	...	311	428	Yadi from Memorialist to Resident, May 9—1848.
,,	L	...	312	429	Despatch of Bombay Govt. No. 60, to Hon'ble the Court of Directors.
,,	M	...	313	430	Do. of Do. No. 69, to Do.

Description of the place where the substance noted under column No. 6 is to be found.					SUBSTANCE.
Para.	Sub-Para.	Section.	No. of Extract.	No. of page.	
1	2	3	4	5	6
100	N	..	314	432	Detailed list of letters sent by Maharaja and by Memorialist to British Government, correspondence between Bombay and Supreme Governments and Hon'ble the Court of Directors regarding unjust annexation of Memorialist's sovereignty.
„	O	..	..	438	In making selections in this appeal from various authors directions given to Durbaries as to how far should be quoted.
„	P	..	..	„	Memorialist's son empowered to make additions and alterations in carrying this manuscript Appeal through press.
„	Q	..	..	„	This appeal and other State papers are signed and sealed by Memorialist.
101	..	..	..	439	Recital of all foregoing principal paras. of this appeal, and final prayer of Her Highness Sugoonabai Sahib, the Ranee of Sattara to Her Majesty Queen Victoria.

CONTENTS OF APPENDICES FROM NO. I TO IV.

Description of the place where the substance noted under column No. 5 is to be found.				SUBSTANCE.
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1	2	3	4	5
I	..	..	1	List of the names of ancestors of ancient time.
II	..	..	5	Genealogical tree of the ancestors of modern ditto.
III	..	..	6	Memorandum of business transacted by Her Highness the Ranee on the 14th March, 1874. containing Her Highness's Submission of the Appeal against the annexation of her sovereignty in 1849. Execution of Wills and Testaments, presentation of private letters to Her Majesty Queen Victoria and Sir Philip Wodehouse. Submission to the Political Agent of the Sealed packet containing Her Highness's last desires to certain old adherents of the family. And execution of many other official transactions on the part of Her Highness.
IV	..	..	7	Copies of Memorials and appeals submitted by *Shriman* Rajaram Maharaj to the Governments of Bombay and India.
„	A	1	„	Yad containing Seventeen paras. submitted to Sir Philip Wodehouse, K.C.B. Governor of Bombay on April, 16—1874.
„	B	2	13	Translation of the reply by the Government of Bombay to Her Highness's son received through the Political Agent Sattara, dated July, 3—1874.
„	C	3	14	Copy of the Appeal submitted to His Excellency Lord Northbrook, Governor-General of India on July 16—1874.
„	D	4	18	Supplemental ditto submitted to ditto on August, 12—1874.

To

HER MAJESTY ALEXANDRINA VICTORIA

BY THE GRACE OF GOD, OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND, QUEEN, AND EMPRESS OF INDIA—

MAY IT PLEASE YOUR MAJESTY

I humbly and respectfully submit for your Majesty's consideration and that of your just, wise, and dispassionate Councillors the following Memorial which I fully trust, from the present high and noble policy of the British Government, that your Majesty in Council will consider with a kind and generous heart.

2. Before laying my case before your Majesty, I think it necessary to acquaint you with my family position and history. On the Continent of Asia, in the country of India at a place in the Deccan, called Sattara, near the source of the river Krishná, the latitudes and longitudes of which are 74°. 2′ and 17° 40, and which is the ancient Capital of our sovereignty have we lived for a long time. The following have been or are the great royal families of our kinsmen, namely, the princes at Odepore, Chitoor, Tanjore, Soundhwada, Kachh (Bhuj), Nagpor, Banshendra, Kolapore, &c. From the renowned Founder of an empire in this part of the Country, the great Chhatrapati Shivajee Maharaja, (No. 36 of the genealogical tree) I claim descent; and am the elder Ranee of Shriman Maharaja Chhatrapati Shahaji Maharaja alias Apa Saheb Maharaja (No. 93 of the genealogical tree) who ascended the *gadi* (throne) and ruled after the deposition in 1839 of his brother Pratapsingh Maharaja (No. 91 of the genealogical tree annexed hereto, *Vide* appendix No. 2).

3. From the ancient record of our princely house, our family has been of a remote origin; and were I to give its story in detail, that would vastly exceed the proper limits of this Memorial. Therefore giving some account of the principal names of the ancestors in the document, appendix No. 1, I here beg to state that it will appear to your Majesty, from the genealogical tree (No. 2,) of the ancestors of later time, that the Raja or Prince (No. 2.) conquered the kingdom of Mondhawada. No. 3 established himself at Punachitoda, No. 5 at Odepore, No. 6 at Kachh (Bhuj),

No. 8 at Sondhawada, No. 10 in Nepaul, No. 12 at Nagpore, Mahadev, Deulgaum, Wawee, Koral, and Manjore, No. 31 at Bhambera, No. 34 at Banshendra, No. 37 at Tanjore, Nos. 52,59,60,71,72,81,82,94,95 at Kolapore; No. 66 is the family of Shedgaum. Nos. 35,36,51,58,70,80,91,92, 93,106,107,108,111. are the heirs of our *gadi* of Sattara. Thus our ancestors establishing kingdoms, assuming *vatans* (hereditary public offices), and fixing their places of residence, rose openly to celebrity in this country. In reference to these matters the Honourable Sir Bartle Edward Frere K. C. B. and G. C. S. I. while Commissioner at Sattara forwarded a report to the Government on 15th April 1848 (*Bombay Selections* No. XLI P. 38 *Sattara Districts* 1857) an extract of which I here take leave to bring to your notice—

(*Extract No.* 1)

The heroic genealogy of this House is traced, through the Ranas of Odeypoor and Cheytore, to the Sissoday Raja of Asseer, conquered and slain by Shalivahan, whose era commences in A. D. 77

The only historical value of the legends on this subject seems to be to corroborate other proofs that the Bhonslays, like most of the old Muratha families, had pretensions to a Rajpoot origin.

4. In the beginning of the year 1600 when the Mahomedans became powerful in various parts of this Country, which became a prey to their ascendancy, their oppression and religious persecution caused extreme fear and anxiety to all the people. Our ancester, the long deceased Chhatrapati Sevajee Maharaja, at that time conquered territory by the power of his sword and wisdom to secure the tranquillity of the people and the protection of their religion. He then established this independent kingdom which he ruled as an independent sovereign on an equality with the several Mahomedan rulers in India at the time, and he extended its limits gradually. To this, Sir Thomas Munro, Sir John Malcolm, Lord Hastings, the Honorable Mountstuart Elphinstone, and Captain Grant Duff have borne ample testimony in their works.

5. The Maharaja Shriman Chhatrapati Shahu became less attentive to the affairs of the state, and becoming inclined to sensual pleasures, conferred the Peshwaship (or control of his state) on Balaji Vishvanath who administered the kingdom under his orders and in his name, as will appear from the following extracts from the writings of the Hon'ble Mountstuart Elphinstone and Sir Bartle Frere.

a. The said Hon'ble M. Elphinstone, at page 10 of the 2nd edition of his report to the Government submitted in 1827 after the capture of the country from the Peshwa, thus states:—

(*Extract No.* 2)

He (Shahu Raja) immediately appointed Ballajee to the office of Paishwa, which had before belonged to the family of Pinglia, but was forfeited by its possessor's adherance to the cause of Tarraw Bye. But Raja Sahoo dying in 1749, it was alleged by the Paishwa, that he had formally invested him with the sovereignty of his dominions, on condition of his keeping up the name of the Raja's descendants.

* See Sattara Districts, Bombay Selections No 41, 1857; p. 44

b. The Hon'ble Sir Bartle Frere in his report* dated 15th April 1848 writes:—

(*Extract No.* 3)

About the same time Sahoo gave the Peshwa a deed bestowing on him the whole management of the Muratha empire, on condition of his maintaining the dignity of the house of Shivajee

6. When the last of the Peshwas, Bajirao Raghunath, swerved from his allegiance, and was bent upon ambition, the whole country was in a state of disturbance. Then His Highness the Maharaja Pratab Singh communicated with the Hon'ble Mountstuart Elphinstone with a view to punish Bajirao, to restore peace to the country, and regulate his kingdom in the best manner. Shortly after this move by my predecessor a misunderstanding arose between Bajirao and the East India Company which resulted in a war. In order to defeat Bajirao and gain complete success for the Hon'ble East India Company, to restore peace to the country and direct the devotion and allegiance of the Sirdars (nobles) and Jahagirdars (barons) to the Company; also to prevent the commotion and confusion consequent on the deposition of Bajirao and to accomplish the views of the Maharaja, the Hon'ble Mountstuart Elphinstone issued a Proclamation* on 11th February 1818 to all people, declaring the wishes of the East India Company and containing among other things the following:—

* *Vide* Vol. 5 page 98 of 'Treaties and Engagements' by Mr. Aitchison, and copied at length under clause of para 100.

(*Extract No.* 4)

The Raja of Satara, who is now a prisoner in Bajeerao's hands, will be released, and placed at the head of an independent sovereignty, of such an extent as may maintain the Raja and his family in comfort and dignity. With this view the fort of Satara has been taken, the Raja's flag has been set up in it, and his former Ministers have been called into employment. Whatever country is assigned to the Raja, will be administered by him, and he will be bound to establish a system of justice and order. The rest of the country will be held by the Honorable Company.

Firmly relying upon this assurance contained in the Proclamation, the late Maharaja with his Sirdars and retainers all repaired* to the Company's Commander-in-Chief, General Lionel Smith at Ashteh near Pandharpor on 20th February 1818.

* *Vide* page 43 of the Bombay Selections No. 41 of 1857

7. In accordance with this Proclamation the late Maharaja Chhatrapati Pratab Singh was seated on the throne by the Hon'ble East India Company and a treaty* entered into with him in September 25th 1819. The Maharaja Pratab Singh was, however, 20 years after sent to Benares on political grounds by the officers of the East India Company; and on the 4th September 1839 a fresh treaty† of perpetual friendship and alliance was concluded with his brother, my late husband. His Highness, Maharaja Shahaji alias Apa Sabeb, and to him, his *furzund* (offspring), *varis* (heirs), and *kayam mukama* (regency) was continued the same portion of our once extensive Empire that was held by Maharaja Partab Singh in sovereignty. Thus, since the formation of the first treaty in 1819 the sovereignty was enjoyed in all about 31 years, *i. e.* 21 years by the Maharaja Chhatrapati Partab Singh, and 10 years by my late husband of whose decease I now proceed to speak.

* *Vide Paragraph* 47 of this appeal.

† Ditto 48th of Ditto

8. In 1848, His Highness Shriman Maharaja Chhatrapati, while travelling through his kingdom to ascertain the condition of his subjects and contrive means for their happiness, was taken ill. Day by day he grew worse till at last his recovery was despaired of. Then, consistently with the treaty with the British Government, he desiring to adopt a good-natured and promising youth from amongst his kinsmen, arrangements were made for the purpose. Becoming extremely ill on the 4th he the following day, 5th April 1848, adopted, according to the Hindu Shastras and in the presence of Dr. Murray, the Civil Surgeon of Sattara, and all the noblemen of the Kingdom, a son (No. 131 in the genealogical tree) of Amboji Bhonsale (No. 129) of the Shedgaum house and one of the descendants of Vittoji. Styling the youth Venkaji Maharaja, His Highness ordered that he should be recognized as Prince by all as his heir and successor. Para 1st. of the letter dated 2nd April forwarded by the deceased Shriman Maharaja to Mr. (the now Hon'ble Sir) Bartle Frere, then Resident of Sattara in connection with this matter is extracted below— The letter was signed and sealed by the Maharaja in person and contains the very items of conversation which took place between him and the Resident who had waited on the Maharaja on 1st. April at about 9 o'clock A. M. to inquire after his health and asked to know what he (the Maharaja) thought in his mind. All the correspondence that took place at the time between His Highness the Maharaja and the Resident together with the memorandum by Dr. Murray &c. is given in para 100. Para 1st of the Maharaja's *khureeta* runs as follows:—

(*Extract No.* 5)

1. The British Government, in consideration of our family "Khandun," being a very ancient one, having bestowed (on us) a sovereignty (Raj) gave (us) a treaty, in which it is stated that, "The Maharaj Chuttruputtee, his descendants, heirs, and representatives (furjund wu waris wu kaimmakam,) should always (sudo dit) enjoy the raj." I am now very seriously ill. I have no legitimate male issue (potee pootr santan;) it is therefore desirable that a reply should speedily be returned to the yad transmitted to the British Government, under date the 2nd. April 1848, No 364, regarding the adoption of a son (to succeed) to the Government of the State. In the event of any delay taking place in the receipt of an answer, and it should be found that there is no trusting to my recovery, a boy from the Bhonsley families, mentioned in the yad, will be adopted; and in case, from any reason, a son should not be adopted in person by the sirkar (his highness,) a son will be adopted after me by the elder ranee, in whose name let the British Government conclude a treaty as before, and continue their friendship on the same footing as it existed heretofore. In this will be shown (the renown) and kindness of the British Government.

9. Thus my husband expired on the 5th April 1848 when the Hon'ble Sir Bartle Frere was the Resident of Sattara. He, remembering the antiquity and greatness of our family and the treaties concluded on 25th September 1819 and 4th September 1839 between the East India Company and the Maharaja Pratab Singh and my husband, the late Maharaja Shahaj and their *Furzund* (offspring or lineal issue) *Waris* (heirs), and *kyiem-mukam* (regency), was fully convinced in consequence that our sovereignty could not be annexed. He, the Resident, maintained the existing system of Government, calling the Durbar a *Raja Mandala* (or state circle) after the decease of the Maharaja, in accordance with a provision in the 1st. article of the treaty in Marathi that this sovereignty was continued in our family for the comfort and dignity of us and our *Raja Mandala* or state circle. But the Hon'ble the Court of Directors from selfish motives and on the mistaken ground that our sovereignty was dependent, though in fact it was inherent and independent, resolved to annex the Sattara state, and forced their resolution into execution. In accordance with the orders of the Court of Directors extracted under sec. 61 the Hon'ble Sir Bartle Frere was constrained to carry out the decree of annexation and issued the following Notification* of the Bombay Government dated the 16th May 1849.

* Parliamentary Sattara Papers page 4.

(*Extract No.* 6)

Extract Bombay Political Consultation, 16 May 1849.

Notification to be sent to all Mamlutdars and Heads of Departments.—To all killedars and Officers in charge of Ghauts, or commanding detachments of Troops.

NOTIFICATION.

1. The late Raja Shree Mun Maharaj Shahjee Maharaj Chutturputtee, died on the 5th April 1848; on the same day a proclamation signed by the British Resident, was

issued to all officers of the Sattara State, informing them of the death of the Maharajah, and desiring them to continue in the discharge of their several duties, under the control of the Resident, till the orders of the British Government should be known.

2. With advertence to the aforesaid proclamation, it is now further notified that a letter has been received from the Secretary to Government, dated the 1st May 1849, intimating that the Right Honourable the Governor General of India in Council, under the authority of the Honourable the Court of Directors, has been pleased to order, that in consequence of his late Highness Shreemun Maharajá Shahajee Maharaj Chutturputtee, having died without heirs entitled to succeed to the sovereignty of Sattara, the territory comprised therein is to be considered as having lapsed to the power by which it was granted, and is to be henceforth annexed to the British empire in India.

3. It is the desire and intention of the British Government that the rights and interests of all parties affected by this measure be treated with all due consideration and liberality, according to the merits of each case to be determined upon hereafter.

4. The administration of the lapsed territory is to be conducted by the present Resident, Mr. Frere, with the title of Commissioner, to whose orders all are required to pay obedience.

5. This therefore is addressed to you in order that you may make known the above recited decision of the British Government to all public officers subordinate to you, together with the hereditary districts and village officers and the people generally, and require their loyal and ready conformity therewith.

10. Unfortunately my son Venkoji Maharaja died in his youth on 23rd December 1864 which involved me in deep sorrow and concern, one reason being this event clouded the hope long cherished in my mind that though the East India Company had unjustifiably annexed our sovereignty, still they themselves or your Majesty, some time or other, feeling the injustice done by certain officers of the Company, would redress our wrong, or that your Majesty by entertaining our appeal would restore the perpetual sovereignty in our family. Therefore in the hope of continuing the uninterrupted existence of the family, with the sanction of the Government of India communicated to me by the Political Agent of Sattara, Mr. J. R. Arthur (in letter No. 66, 17th May 1865) I proceeded on the 18th of May 1865 to adopt the cousin (No. 130 in the appended genealogical tree) of my deceased son Venkaji Maharaja with the proper ceremonies according to the Hindu Shastras, and named him Rajaram Maharaja, alias Abasaheb. I have also a grand-son whose name is Shivaji Maharaja alias Anna Saheb.

11. This Memorial which I submit to your Majesty is an appeal for the *first time* against the decision of the East India Company annexing our sovereignty; which decree was resolved upon without impartially taking into full consideration our rights, without inquiring what we had to say in support of the right of having our sovereignty continued in our family, and without investigating in any way our strong claims. This was done

on 24th January 1849 in furtherance of the Company's immediate interest, with negligence and a mistaken view. No APPEAL HAS EVER BEEN PREFERRED before to the Hon'ble East India Company or the Court of Directors or Parliament or your Majesty. Therefore I hope your Majesty will be graciously pleased to cause your Councillors to investigate this matter; and if your Majesty shall remove the evil reputation gained every where by the Company in consequence of this unjust annexation against solemn treaties concluded with us by the Company, the unexampled fame of your just and equitable policy will spread far and wide, and will make me happy and all the people satisfied.

12. Perhaps your Majesty's ministers might think that your Majesty should not entertain a memorial in respect of the annexation of a sovereignty by the East India Company so long since as 1849, against which no formal protest was made at the time and the benefits of which are enjoyed peaceably by your Majesty. Some may say that by the entertainment and consideration of my memorial, perhaps a sense of justice will dictate the restoration of our sovereignty, and hence some of your Majesty's Councillors might advise your Majesty, to my grievous misfortune never to take into consideration my claims. But, noble Queen, your Majesty is the Empress of us all, and the Ruler of the Universe has conferred on your Majesty the sovereignty of the world. Hence if your Majesty desired the conquest of our territory or that of any one else, it could be easily accomplished. But your Majesty is the protector of us all,—the Princes, Chiefs, and people of India; and you and your nation have attained to pre-eminence by might, wealth, valour, and, particularly, by good faith. Hence it is very important that your Majesty should treat all subjects with perfect fairness. Justice is unchangeable at all times and in all places. Its nature must always remain the same. Hence, if under a sense of justice and putting aside the feeling of being interested in keeping up the decision of the Hon'ble East India Company, your Majesty be convinced of the justness of my cause, I most humbly but earnestly beg that your Majesty will be pleased to grant my prayer. Who is there at the Court of a far distant and all ruling country to espouse my cause except your own gracious Majesty? Your Majesty is always able to listen to my prayer and deal out justice to me. It was no glory for your Councillors to seize the sovereignty of a helpless and powerless woman like myself and the principality of a boy just in his teens. And it surely does no honour to the sense of justice and valour of those who are able by their wisdom and courage to conquer any

country and extend the limits of their own, and who specially take glory and honour in making conquests, that they should give your Majesty advice to deprive a woman of her sovereignty or persist in it. But I firmly believe your Majesty's courtiers and Ministers will not now endorse such advice, as they are the advisers and ministers of an Empire ruled by your Majesty on principles of justice and humanity.

13. At whatever length I wrote or whatever arguments I pleaded in support of my rights, your advisers might overrule them on the strength of their authority or statecraft showing some precedent of law or policy. But, great Queen, it would not redound to their greatness if they employed their skill and wisdom to do wrong to a helpless and oppressed royal lady in this distant land. On the contrary, if they carefully consider my memorial with impartiality and renounce the enjoyment of a principality gained unjustly, their fame would spread in the whole world; and this act of justice would not please human beings alone, but the Supreme Being of the Universe. That such an event may come to pass by the grace of God is the constant and devoted prayer of an oppressed woman to the Almighty.

14. It is possible your ministers may plead certain points against entertaining and enquiring into the appeal. I consider it, therefore, necessary to anticipate here some of those points, as far as is possible, and what I have to say against their admission. The first point is that my husband died on 5th April 1848 and the Honourable East India Company decided upon annexing the sovereignty on 24th January 1849; why then has no appeal been preferred up to this time? 2nd, Why should your Majesty entertain and consider an appeal from a decision of the East India Company? 3rd, What rights and grounds have accrued to me to present an appeal at this time?

15. As regards the 1st point why has no appeal been preferred up to this time, the reasons are here given in the following paragraphs 16 to 22:

16. Though descended from ancestors that ruled for a long time in India enjoying the sovereignty of the whole country, I and His Highness, my deceased husband, conducted ourselves towards the Hon'ble East India Company in good faith with unswerving devotion and a pure heart, looking upon them as my allies, and we reposed in them most implicit confidence. And that Company, I was perfectly confident, would honourably render me assistance as an ally in case any wicked power through ill will should be inclined to deprive me of my sovereignty and,

would protect me like a turtle dove. Instead of this, I say, that Honourable Company was bent upon falling on their own ally and thus gratifying their greed like a cruel tigress that falls upon her own offspring to appease her hunger. They quietly accomplished this their cruel desire by shutting my mouth and preventing even the groan of my sorrow and anguish which was effected by them—though through the humane and experienced Resident, the Hon'ble Sir Bartle Frere, but altogether disregarding his weighty opinion—in consequence of which I was all fear; and I was sorely afraid lest an expression of my sorrow should tend vastly to increase the oppression of that dark day. The grounds of my fears were shortly these. Like a fish that is deprived of water its means of existence, the Hon'ble East India Company unjustly deprived me at once of my dignity and comfort, the very means of my existence, and offered me a fixed allowance which I naturally declined. I was about setting myself to lay a complaint before the Bombay Government against the annexation of my sovereignty by the East India Company; but the officers of the Company seemed opposed to any attempt of the kind, as they immediately stopped the allowances of eleven of our kinsmen viz. 1 Tanaji Raja Shirke, 2 Laxmanrao Raja Shirke, 3 Raghunathrao Raja Shirke, 4 Bahirji Raja Shirke, 5 Chitkojee Raja Shirke, 6 Gopaljee Raja Shirke, 7 Govindrao Raja Shirke 8 Ramojee Raja Shirke 9 Laxmonjee Raja Shirke 10 Munajee Raja Shirke and 11 Sonojee Raja Shirke; and seizing several of our officials, clerks, servants, both men and women, confined them for about a month and a half in the Sattara Residency. Moreover some of our dependants were forced to leave Sattara and dwell elsewhere. These were 1 Sakharam Ballal Mahajani, the karbhari, 2 Wasudev Krishna Mahajani, the chitnis, 3 Bal Joshi Atlekar, 4 Ganesh Chintamon Mahajani, 5 Vishnu Gunesh Mahajani, 6 Wamonrao Vithal Furnvis, 7 Purushottam Narayan, 8 Balajee Raghoonath, 9 Ramchandra Vishvanath, 10 Vinayek Nilkant, 11 Pandu Sunkpal Hoozre, 12 Mahadu Sinda Hoozre, 13 Khandu Shirka, 14 Sajina Shirka, my maid and other servants and dependants were ordered not to enter my palace. What little ancestral *Inam* I enjoyed was confiscated, and so also my gardens, (Inams with *miras hakks*) *sheris*, meadows, Jalamandir (water-houses) and other chattels real. As I had refused the allowance offered to me, and all my private revenue was confiscated, I had nothing for my own subsistence and that of my servants, and for a period of 13 months was obliged to live by selling my personal property. At last seeing no redress and hoping to lay my case at some favourable time in future before Government, I was constrained to accept

the allowance under protest. Hence Your Majesty will perceive that under such most unfavourable circumstances it was useless to appeal from the all-powerful and sovereign East India Company who seemed prejudiced against my appealing. This was the cause of preferring no appeal before. In corroboration of this statement I beg to refer your Majesty to the Hon'ble Sir Bartle Frere who being in constant attendance on your Majesty will also satisfy you as to the veracity of many other statements made in this Memorial, and will inform your Majesty that the East India Company was not justified in depriving me of my sovereignty; and that the annexation was forcibly and harshly effected though he protested against it. Here I deem it my duty to assure your Majesty that if the Hon'ble Sir Bartle Frere had not been the Resident of Sattara at the time, my lot and that of my family would have been even worse than it is.

17. The death of my beloved husband to my great misfortune overwhelmed me with profound sorrow which was heightened by the death one after the other of the two younger Rances of my husband from whom I expected words of advice and encouragement. Nay more, my son, an illustrious scion of our family (No. 107 of the genealogical tree) whom my husband adopted and gave me permission to adopt, if necessary, also died,—he who was the protector of our sovereignty, and on whose behalf any attempt at restitution was to be made. The old *Durbarees* (superior officers of state) left me one after another either by death or other causes. Hence I was at a loss what to do under such extreme difficulties.

18. Almost all records of the Durbar by means of which I might support my prayer for redress at your Majesty's hands were taken away from our Durbar by the officers of the notorious Inam Commission under the orders of the East India Company. What few remained being in a confused state, I found no means of getting access to information as to why my sovereignty was annexed and what means I should adopt for its restoration.

19. There was not a ray of hope as to meeting with justice from the policy of that Company who annexed our sovereignty unjustly. Hence no appeal was preferred.

20. When the Company's object to deprive me of my sovereignty became quite manifest, I was indeed apprehensive that they would not like me to lay my claims before them and seek redress, or that they might consider my memorializing them a political offence.

21. Though our sovereignty was independent,—a fact to which

strong testimony has been borne by the Hon'ble Mountstuart Elphinstone, Sir Thomas Munro, Lord Hastings, Captain Grant Duff, and several other statesmen and the records of the Court of Directors, the Court of Directors annexed it on erroneous ground of its being dependent. As to this great error I was very long quite ignorant. Besides, I feared since the Company annexed my sovereignty, no door was open for redress.

22. Utterly ignorant of the policy and Government of the Honourable East India Company, ignorant also of the various channels in England open to me and to all subjects through which to seek redress, and being without well informed and experienced *mutsadis* (advisers) I was unable to make any attempt on my behalf.

23. As to the 2nd point mentioned in the 14th section viz. why should your majesty entertain an appeal against the decision of the East India Company, the following paragraphs 24 to 30 answer this:

24. Formerly the Government of this country was administered by the East India Company. But your Majesty fully convinced of the desirability of taking the reins of Government from them into your own hands in consequence of the discontent of all your Indian subjects from the highest to the lowest produced by their unsound policy and other political causes, issued on 1st November 1858 a gracious Proclamation through the Hon'ble Viscount Lord Canning, the Governor General of India, to the Princes, Chiefs, Sirdars, Jahagirdars, and all other people. That state paper contains the following solemn assurance to mine as to other royal families and people of this realm—

(*Extract No.* 7.)

We hereby announce to the Native Princes of India, that all Treaties and Engagements made with them by or under the authority of the Honourable East India Company are by us accepted, and will be scrupulously maintained; and We look for the like observance on their part.

Your Majesty having taken the reins of government of this country into your own hands because of the unsound policy of the East India Company, has solemnly assured all that the treaties and engagements concluded by that Company shall be conscientiously observed. It is therefore most proper and fair that Your Majesty should entertain this appeal against the unjust annexation of my principality by that Company on a flimsy pretext in spite of the treaty concluded by them with us in order to perpetuate our sovereignty.

25. It must be considered whether I have not a right to appeal to a higher tribunal against the unjust and inhumane decision of the East India Company as regards our sovereignty. If I have, to whom else can I appeal than your Majesty? Hence in all fairness my appeal ought to be entertained.

26. No just sovereign is ever known to object to the grievances of his subjects being laid before him; and as your Majesty is eminently noted for justice, my appeal deserves to be entertained.

27. Since when in 1858 your Majesty assumed charge of the Government of this country, the Princes, Chiefs, Sirdars and Jahagirdars have gained your Majesty's permission to adopt, and their principalities and Jahagirs have been respectively continued to them uninterruptedly. Now the only difference between such cases and my case is that whereas in the former your Majesty has to decide original cases, in my case your Majesty has an appeal to decide. Hence there ought to be no objection against its admission.'

28. I am prepared to prove by evidence that the ground on which the East India Company annexed my state as being subordinate and dependent, while it was in fact independent and sovereign, is false and untenable. Therefore my appeal cannot fail to be entertained.

29 If any petitioner appeal to a sovereign for redress, the ruler is bound to inquire into his case and give him justice. And this is your gracious Majesty's practice. Hence this appeal cannot be rejected by your Majesty.

30. In corroboration of my contention that the East India Company has done me a gross wrong from ambitious motives, I beg to state that it is a general maxim of British law and policy that any Court or higher tribunal should lend a patient hearing to what any aggrieved party has to say in defence of his cause, and to receive evidence offered in its support, and only after impartially considering all circumstances connected with it then to pronounce its verdict, this practice has been invariably followed, and it is only just that it should be maintained. But through my great misfortune this golden custom was departed from in my case. The Honourable East India Company or their servants in this country never troubled themselves about what I had to say or what were my rights; so without hearing anything in our own defence the Company pronounced a final *ex-parte* decision and my sovereignty was annexed to the British territory. My ancient and treaty rights are such as to re-

quire the continuance of the Mahratta sovereignty in my family. Therefore it is my respectful prayer that your Majesty should hear my defence and receive multifarious evidence which I possess in support of my cause. It must be considered that I have a right to make such request because of the just policy of your Government which will not cease till your Majesty give a final decision in the case.

31. As regards the third point of section 14, viz, what grounds have accrued to submit an appeal, the following sections 32-45 answer this.

32. As I am approching old age, I have felt strong desire to lay my claims at the feet of your Majesty before I depart hence from this troubled world.

33. Since your Majesty assumed the reins of Government in this Country, its administration has been carried on with justice. Your Majesty at all times is guided by a sense of justice and the subjects under your Majesty's government are enjoying the benefit thereof. Hence I feel much encouraged to submit this appeal.

34. I have now obtained almost all information in connection with the annexation of my sovereignty and the grounds on which the East India Company deprived my husband of his royal dignity, which it will be seen are wholly untenable. Hence, trusting that your Majesty will consider it with gracious condescension, I prefer this appeal.

35. It is not your Majesty's desire like that of the East India Company to deprive the Indian peoples of their rights, but under your Majesty's Government, the Princes, Chiefs, Sirdars, and Jahagirdars of India are in the full enjoyment of their respective rights, and this circumstance has kept all your subjects contented. I therefore reasonably conclude that your Majesty will take into your serious consideration my rights and claims which I lay before your Majesty in clear and appropriate order.

36. When my husband died on 5th April 1848, the British Resident, in accordance with a plain statement in the preamble of the treaty that this sovereignty was to be perpetually continued in our family for its antiquity and dignity, continued the Government of our sovereignty under the designation of a *Raja Mundala* (state Circle.) But on 24th January 1849 the Court of Directors decided upon annexing our sovereignty, and after that date its administration was carried on in behalf of the Company. But even then its territory was not subjected to the British law, but was mostly administered according to the old law and our own customs,

therefore I had full hope that the annexation of my sovereignty would not be carried out. But by Act 3 of 1863 the Bombay Government incorporated my sovereignty into the Bombay presidency, and introduced all British laws and regulations into it on 1st January 1863. Then for the first time despair threatened my mind. As my case is a political one I am not debarred from seeking redress at any time; but as the law administered in civil Courts is altered from time to time and it is above ten years since my sovereignty was subjected to British laws, it has now become necessary to appeal so that my remedy in a civil Court may not be barred.

37. It is stated in sections 16—20 that I doubted very much whether the East India Company would entertain an appeal against their own decision and feared they might consider the very act of appealing a political offence, and that no appeal was submitted in consequence. This fear and doubt did not abandon me till I received replies to my letter forwarded on 16th April 1873 to the Political Agent, Sattara, subsequently to those forwarded to the Honourable Sir Bartle Frere, the late Governor of Bombay, and the Honourable Sir Philip Wodehouse, the present Governor of Bombay. Hence I am now emboldened to submit an appeal. I beg here to annex the Correspondence that took place between me and the persons above alluded to:

38. *Translation of the letter forwarded to Mr. Little, the (Acting) Political Agent of Sattara, No. 97 dated 16th April* 1873.

(*Extract No.* 8.)

After Compliments. The Court of Directors of the Honorable East India Company annexed my sovereignty to their dominions in India and directed the Indian Government to bring their order into effect on the 24th of January 1849. Accordingly, the Supreme Government extended the British rule to my Sovereignty and thus Sattara was annexed. Owing to the great grief caused by the demise of my husband His Highness the Maharaj Chhatrapati and because of the disordered state of the Sattara records, coupled with doubts that perhaps the Honourable East India Company who were so unkind as to annex my sovereignty to their dominions, might not deal fairly with me in this matter, I could not so long appeal. To this may be added my thorough ignorance and apprehension. All these circumstances combined to keep me in abeyance from the time of annexation to the present time. However I assured myself that Government themselves would at any time take into their consideration my just claims. I have approached old age and Her gracious Majesty has taken the reins of Government into Her own hands and has been protecting all the princes and Chiefs and people of India with justice and generosity. Her Majesty issued a proclamation on the 1st of November 1858 holding out promises amounting to assurances that all the treaties and engagements entered into directly by the Honourable East India Company with the

princes and Chiefs of India or made under their orders will be respected and adhered to by Her Majesty and will be carefully considered. From the time of the annexation of my territory I have not up to this day lodged any appeal regarding this matter before any of the Government authorities in India or in England; however I now feel a desire to place the whole matter clearly through the proper channel before Her Majesty, Queen Victoria, and to abide by Her Majesty's decision. Still I am afraid that such a step as this may be an offence on my part and therefore hope that you will be kind enough to explain to me whether my appealing to Her Majesty upon the subject under question would be an offence on my part.

39. *Reply to the above No.* 125 *May* 2,1873 *as translated into English.*

(*Extract No.* 9.)

I do not think there is any objection to lay through the Political Agent any proper matter before Her Majesty the Queen.

40. *Translation of the letter forwarded to the Honourable Sir Bartle Frere, dated the 5th May* 1873.

(*Extract No.* 10.)

1. Your Excellency's unexpected visit this day has given me unbounded pleasure; for living as I do at Sattara and your Excellency in England, both of us have been spared, advanced in years. This meeting brought about by your Excellency's coming near India on business affairs by God's will and visiting this country has given extreme satisfaction and high encouragement to my mind. That such meeting should take place again and again is my sincere prayer to God, the Dispenser of the world.

2. Until last year I was really totally ignorant of your exertions with the East India Company with a view to promote my best interest. It is needless for me to mention the sort of men who had filled the Durbar as it is perfectly known to your Excellency.

3. Such courtiers, though your Excellency was exerting for my interest in the best manner, created a misunderstanding between me and your Excellency by representing to me the contrary.

4. Until last year I believed that as true which my Durbarees had falsely represented to me. But last year when, appointing Mr. Anundrao Bahirao Pingale, I ordered him to furnish me with information relating to the annexation of my sovereignty after consulting the Records and he gave me information after perusing all records, I became fully convinced that it was all your Excellency's wish to continue my sovereignty to me and that your Excellency also exerted accordingly. But through my misfortune the Hon'ble East India Company utterly disregarded it.

5. Since the time I was convinced of the totally false representations of my Durbarees, I have been extremely pained and afflicted with remorse at heart. For while your Excellency was seeking my interest, I without cause understood the contrary which interfered a little with our friendship. However the past cannot be recalled, and I have only to state that your Excellency forgetting the past should make your heart pure. And it would give me great delight to be assured that your Excellency does not harbour the past in your mind. I had already despatched to England a letter to this effect to your Excellency through the Bombay Government, but having received no reply to it I am become uneasy.

6. If making an apology I seek your Excellency's favour, it is fair that your Excellency should grant it; for when my deceased husband was on the point of death, he made a *yadi* of 11 Articles and placed me under your Excellency's protection which your Excellency does remember.

7. I am not in happy circumstances now. For the honour and dignity which I enjoyed whilst your Excellency was at Sattara, have been much curtailed. Be it so. I and your Exellency have approached old age. Hence while I am alive, I desire to lay once the case of the annexation of my sovereignty before Her Majesty the Queen. Your Excellency, therefore, should inform me whether to do so would be any offence and render me all assistance in your Excellency's power. And I am fully convinced your Excellency will do it; for your Excellency already did your best without being requested by me to continue our sovereignty to our family.

8. It would cause me extreme pain if your Excellency went away without informing me that your Excellency's heart was perfectly pure toward me and that your Excellency would lend me your full support. Whatever it is, trusting to your Excellency's protection, I have become indifferent; your Excellency should do what is proper.

9. It was my desire on a fit occasion to acquaint His Excellency the Governor with my case, but there is no way to do it except in writing by which my views are not minutely made known to His Excellency. Hence your Excellency will be pleased to request the Governor to lend a patient hearing to my case. As it is difficult to have an interview with His Excellency the Governor, your Excellency will be pleased to instruct some European gentleman to hear what I have to say through my Karbharee Mr. Anundarao Bahirao Pingale and bring it to the notice of His Excellency the Governor.

41. *Reply to the above from the Honourable Sir Bartle Frere through his Private Secretary Major Evan Smith; dated* 12*th May* 1873.

(*Extract No.* 11.)

I am desired by Sir Bartle Frere to acknowledge the receipt of your Highness' letter of the 5 Instant, and to express H. E's regret that he was unable to meet your Highness' wishes by attending a private audience. Sir Bartle Frere could not have added anything to what he had said on former occasions, but he wishes me to convey to you an expression of his satisfaction at hearing that your Highness had found a trustworthy Karbaree, and his earnest hopes that in all matters your Highness would be guided by the advice of the Collector as the Representative of Government.

42. *Translation of the letter forwarded to Sir Philip Wodehouse, the Governor of Bombay, dated May* 3, 1873.

(*Extract No.* 12.)

Your Excellency received me yesterday and having now paid me a return visit at which the generous heart which your Excellency manifiested has given me extreme pleasure. Your Excellency may be pleased to have such meetings repeated and strengthen the union of friendship. It is not necessary for me to inform your Excellency of the former greatness of this Durbar and my present condition as it is all known to you. Occasionally, however, it becomes necessary to give information in an important affair,

some of which must be brought to your Excellency's notice. At our personal meeting it becomes difficult to get to the settlement of a political question. If the Karbharee should be sent to your Excellency, he cannot personally see your Excellency. If your Excellency could be informed through somebody else, how should that be done without your permission? Therefore as I shall have to send my Karbhâree now and then to your Excellency, your Excellency will be pleased to direct and name some person in attendance on you to hear what he has to say, with a view to bring the same to your Excellency's notice. Compliance with this request will highly oblige.

43. *Contents of the reply to the above through the Political Secretary, Mr. Charles Gonne, No.* 3636, *dated* 11*th June* 1873.

(*Extract No.* 13.)

I am directed to acknowledge the receipt of your Highness's *Khureeta*, dated the 3rd May 1873, requesting the appointment of some official to receive your Highness's *yadis* to the Bombay Government through your Highness's *Karbharee*. I am directed therefore to state in reply that your Highness may forward them through the Political Agent of Sattara, and correspond with him.

44. *The following is the translation of a letter addressed by me to the Political Agent of Sattara on the* 27*th August* 1873.

(*Extract No.* 14.)

It is my desire to lay before Her Majesty Queen Victoria, the case of the annexation of my sovereignty. I wrote a letter to His Excellency Sir Bartle Frere, dated 5th May 1873, inquiring if it would be an offence to do so. I received a reply to it, dated 12th May 1873, which, without stating that it would be an offence, informed me that it would be well to consult the Collector of Sattara on any occasion as an Agent of the Government. A letter on the same subject, dated the 3rd May 1873, was forwarded to His Excellency the Governor, and a reply to it was received on 11th June 1873, No. 3636, from the Political Department, informing me that all *yadis* relating to my important affairs should be presented through the Political Agent of Sattara and correspondence should be kept with him. And in a letter dated the 2nd May 1873, No. 125, received from you, it was stated that you thought there was no objection to lay before the Queen any proper matter through the Political Agent. Hence as I have to submit my appeal to Her Majesty the Queen, I hope you will be pleased to inform me whether I should address the appeal to Her Majesty the Queen, or the State Secretary (for India), or Parliament; and, as I am about to print copies of the appeal, whether Government would receive a printed copy of it, to be submitted to the great Queen through you, or whether a written copy should be forwarded.

45. *Translation of reply to the above from Mr. J. H. Grant, (Acting) Political Agent, Sattara, No.* 225, *dated* 17*th September* 1873.

(*Extract No.* 15.)

In reference to your Highness's letter No. 5, dated 17th August 1873, informing me that your Highness desires to lay before Her Majesty Queen Victoria an appeal against

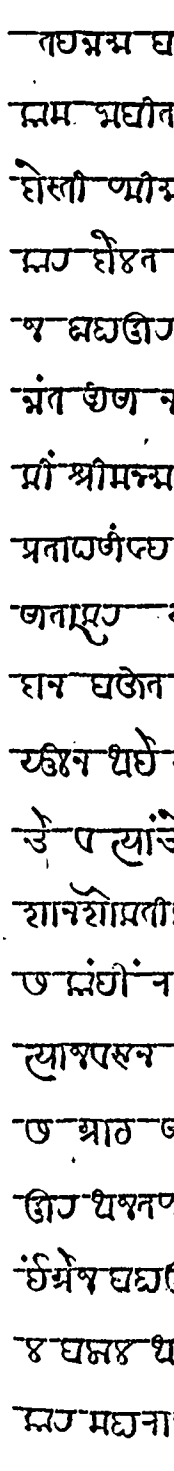
the annexation of your Highness's sovereignty, and inquiring whether the memorial to be submitted should be addressed to Her Majesty the Queen, or the State Secretary for India, or Parliament, and, as your Highness is about to print copies of the appeal to be submitted through me, whether your Highness should do so or present a written appeal, I have to state that the memorial to be submitted should be addressed to Her Majesty the Queen, or the State Secretary for India. It may be written or printed. Every paper of the appeal should bear your Highness's signature for substantiation. This should be known to your Highness.

46. From the preceding paragraphs 16—22 which answer the first point in para. 14, viz., why I did not appeal so long; from paragraphs 23—30 which answer the second point in the same para., viz., why your Majesty should entertain this appeal; and from paragraphs 31—45 which answer the third point, what grounds have I to prefer an appeal, your Majesty will easily perceive the cogency of my arguments for entertaining the appeal. It was my wish to bring the contents of this document within a narrow compass, but having given a complete account of my case that there may be nothing wanting to institute a searching inquiry into it, it has become somewhat lengthy, for which I beg your Majesty to excuse me.

47. In accordance with instructions received by the Honourable Mr. Elphinstone from Mr. J. G. Willoughby, Chief Secretary to the Government of India, on 26th September 1818, a treaty of perpetual friendship and alliance was concluded on 25th September 1819 in English for the Company and in Marathi and Persian for our Durbar between the East India Company and our Durbar by Captain Grant Duff on behalf of the Company and Vittal Ballal representing our Durbar, signed on behalf of the Company by His Excellency Lord Hastings, the Governor-General of India in Council. The treaty appeared in three languages, because the Maharaja Chhatrapati being ignorant of English and Captain Grant Duff knowing Marathi, the preliminaries were discussed in Marathi which were afterwards committed to writing in the same language, of which Captain Grant Duff subsequently made an English translation. As for the Persian, it was the Court language. Captain Grant Duff and the Honourable Mr. Elphinstone knew Marathi well. I beg to subjoin copy of the treaty as it then appeared in Marathi, Persian, and English :—

(*Extract No.* 16.)

TREATY of perpetual friendship and alliance between the Hon'ble East India Company, and His Highness Maharaja Pertab Sheeaw his Heirs and Successors concluded at Satara 25th September 1819 by Captain James Grant, Political Agent on the part of the Hon'ble East India Company and Wittul Punt Furnaweese on the part of the Raja, by virtue of full powers from their respective Governments. *Whereas* the British Government having determined in consideration of the antiquity of the house of His Highness the Raja of Satara to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity, the following articles have been



استقرار هذا تهر نامه
بجهت استحكام بنيان
روابطه دوستي و يكجهتي
فيمابين سركار عظمت
مدار انگريز بهادر و
سريمنت صاحب مهاراجه
پرتاب سنگه چهترپتي
كه از خاندان سلف
و قديم راجه بلده ستاره
بوده اند نظر بران
باستصواب سركار
عظمت مدار انگريز
بهادر ممدوح زينت
تسطير مي پذيرد برين
وجه كه نظر بر خاندان
مهاراجه موصوف
براي ذات معه
لواحقان راجه موصوف
تعلقه ملكي از سركار
ممدوح تقرر و تفوض
مي يابد برينمعني از
طرف سركار عظمت
مدار ممدوح كپتان
گرانت صاحب بهادر
و ويتل بلال از طرف
راجه موصوف يكديگر

agreed to between the said Government and His Highness.

مطابق اقلام ذیل عهد نامه نمودند بر طبقت تفصیل ذیل:—

ARTICLE 1ST.

قلم اول

The British Government agrees to cede in perpetual sovereignty to the Raja of Satara his Heirs and Successors the Districts specified in the annexed schedule.

از طرف سرکار دولت مدار انگریز بهادر قرار می نمایند که برای دادن ملکی بسرکار مهاراجه چهترپتی یاد داشتی علیحده همراه این تهر نامه مرقوم و مثبت گشته که ملکی که داده شد علاقه راج آنملک مهاراجه چهترپتی موصوف معه فرزندان و وارثان و قایم مقامان مهاراجه موصوف همیشه و همواره نمایند *

ARTICLE 2ND.

قلم دویم

The Raja for himself and for his Heirs

مهاراجه چهترپتی معه فرزندان و وارثان و قایم

and Successors engages to hold the Territory in subordinate co-operation with the British Government and to be guided in all matters by the advice of the British Agent at His Highness' Court.

ARTICLE 3RD.

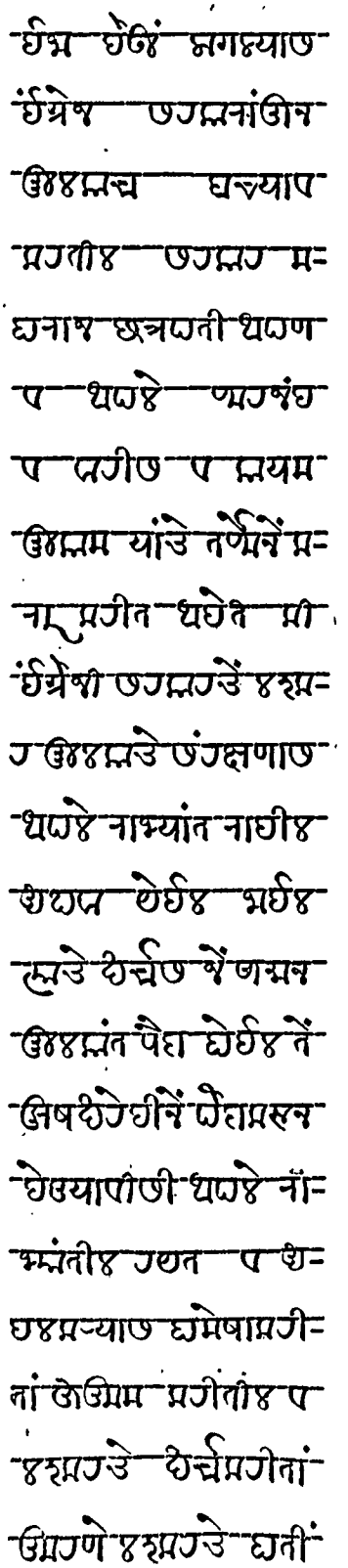
The British Government charges itself with the defence of the Raja's Territories and engages to

مقامان خود اقرار مي نمايند
كه هر قدر علاقه راج
ملكي از سركار عظمت
مدار انگريز بهادر داده
اند آنرا متصرف و
مالك بوده بمقتضاے
مرضي سركار عظمت مدار
ممدوح ممد بوده هميشه
بخوشنودے خواطر
مانده بصلاح اهاليان
سركار انگريزي هر مهام
مرجوعه را خواهند نمود

قلم سيوم

از سركار انگريز بهادر قرار
كرده ميشود كه در ملك
مفوضه مهاراجه چهترپتي
كسي از عوام ملك محروسه
مهاراجه موصوف يا از
خارج ملك مفوضه مورد
منشائي اذيت و تظلم و
فساد كردد و اهاليان سركار

protect His Highness from all injury and aggression. The Raja for himself and for his Heirs and Successors engages to afford every facility to the purchase of supplies for such Troops as may be stationed in his country or may pass through it, and the pasture lands now appropriated for the use of the Troops are to be permanently



ممدوح بندوبست ملک
مسطور خواهند نمود از
سرکار مهاراجه چهترپتي
موصوف از خود و فرزندان
و وارثان و قایم مقامان
خود اقرار مي نمایند کہ
هر قدار لشکر برائے
تمشیت و انتظام مملکت
در ملک مفوضہ ما خواهد
ماند و براي اُمورات
گذار و آمد و رفت
عساکر مزبور در ملک
مسطورہ خواهد بود و براي
صراف لابدي و ضروریات
اشکر مزبور سامانے کہ
از رسید وغیرہ در ملک
مسطور بدست و میسر
تواند شد بخوش خریدي
بہم رسانیدہ و سبیل کردہ
خواهد شد و براي حصول
ان بعنوان خوشخریدي
بکار پردازان و رعایاي
مملکت عمل خود و
همیشہ اصدار احکام خواهد
شد و هر قدر فرق و

given up to them.

The Raja likewise for himself and for his Heirs and Successors engages to afford all the assistance in his power to the British Government in all Wars and Military Operations in which it may be engaged.

ARTICLE 4TH.

His Highness for himself and for his Heirs and Successors engages at no time to increase or diminish his military force

علف زار که براي
اصراف لشکر ضرورت
است و بمدست لشکر
منصوره بوده اند آنرا
از سرکار خود براي خرچ
لشکر انگريزي داده
شده و هرگاه از سرکار
حکمت مدار انگريزي
با کسي دشمني و جنگي
واقع شود ومهم تقرر
شده مامور افواج کردد
برائے براے معاونت
سرکار انگريزي از عمل
راج مفوضه خود حتي
الامکان آنچه لشکر
و سامان پيدا کردد
تفويض کرده خواهد شد

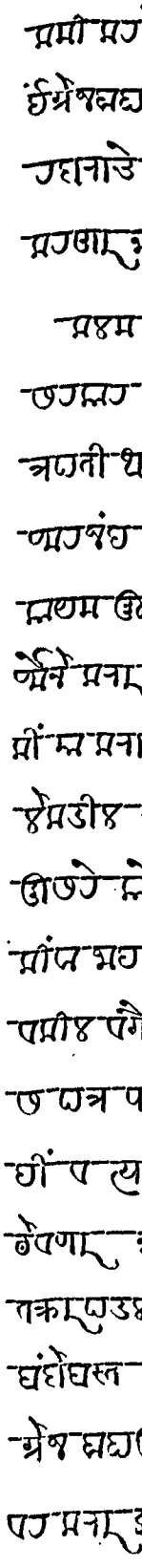
قلم چهارم

مهاراجه چهترپتي
خود بر فرزندان
و وارثان و قايم
مقامان خود اقرار مي
نمايند که در ملک
خود نگاهداشت نمودن
سپاه جديد برطرفي

without the previous knowledge and consent of the British Government.

ARTICLE 5TH.

The Raja for himself and for his heirs and successors engages to forbear from all intercourse with foreign powers, and with all Sirdars, Jageerdars, Chiefs and Ministers and all persons of whatever description who are not by the above articles rendered subject to His Highness's authority. With all the above persons His Highness for himself and for his heirs and successors engages to have no connection or correspondence—any affairs that may arise with them relating to

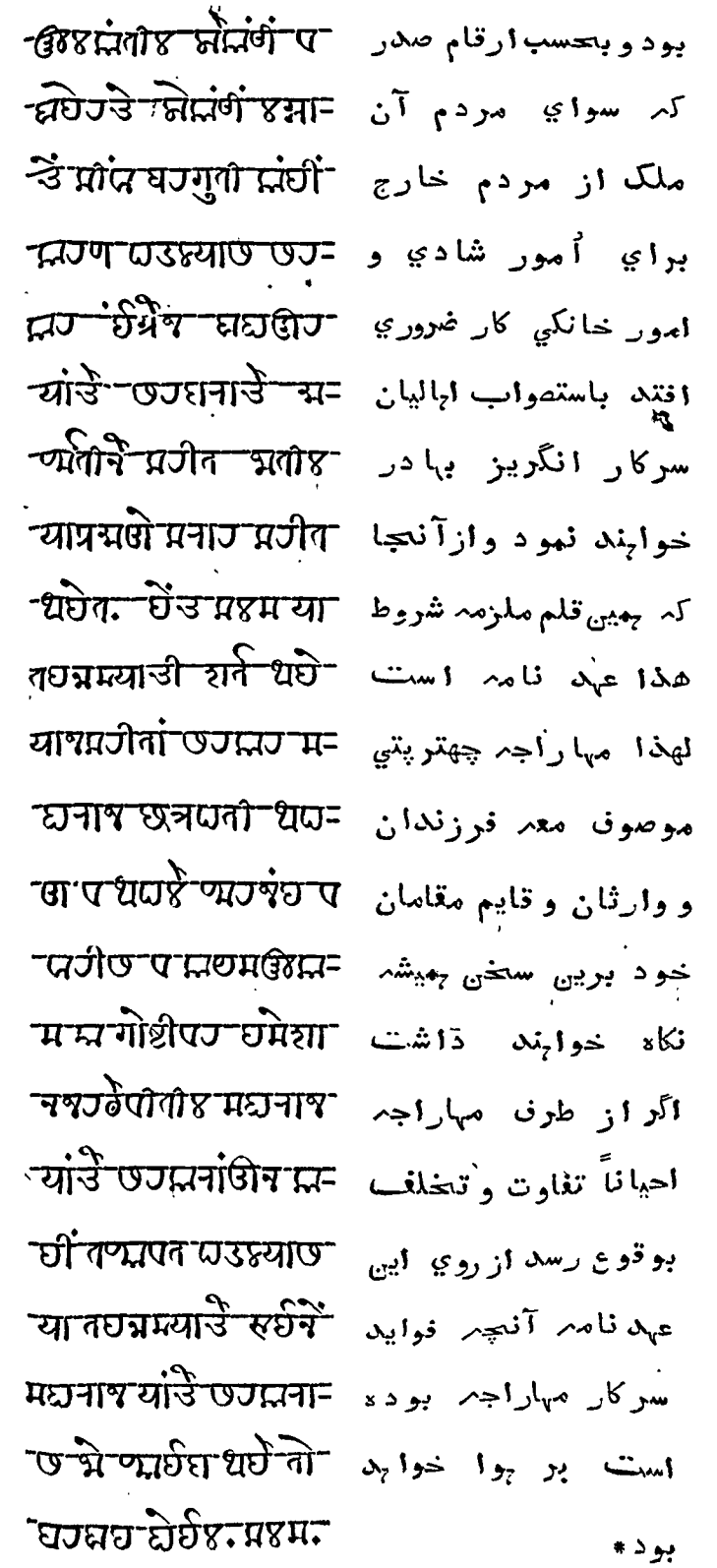


نمودن سپاه غیر از صلاح و اطلاع اهالیان سرکار انگریز بهادر بعمل نخواهد آمد *

قلم پنجم

مهاراجه چهترپتي ممدوح خود معه فرزندان و وارثان و قایم مقامان خود اقرار مي نمایند که برطبق اقرار مصدور غیر از علاقه راج ملک مفوضه خود از کسان خلایق خارج از قسم سرداران و جاگیرداران و وکلا و غیر بهر کس اجراي رسل و رسایل خطوط نخواهند داشت و سوال و جواب هم نخواهند داشت اگر بوجهي تکراري درمیان رسد بندوبست آن از سرکار انگریزي خواهد

His Highness are to be exclusively conducted by the British Government. If (for the purpose of forming matrimonial connections for His Highness's family or for any similar purpose), His Highness has occasion to communicate with persons not rendered subject to his authority by this Agreement such communication is to be made entirely through the Political Agent. This Article is a fundamental condition of the present Agreement and any departure from it on the Raja's part shall subject him to the loss of all the advantages he may gain by the said Agreement.



بود و بحسب ارقام صدر
کہ سواي مردم آن
ملک از مردم خارج
براي اُمور شادي و
امور خانکي کار ضروري
افتد باستصواب اہالیان
سرکار انگریز بہادر
خواہند نمود واز آنجا
کہ ہمین قلم ملزمہ شروط
ہذا عہد نامہ است
لہذا مہاراجہ چھترپتي
موصوف معہ فرزندان
و وارثان و قایم مقامان
خود برین سخن ہمیشہ
نگاہ خواہند داشت
اگر از طرف مہاراجہ
احیاناً تفاوت و تخلف
بوقوع رسد از روي این
عہد نامہ آنچہ فواید
سرکار مہاراجہ بودہ
است بر ہوا خواہد
بود *

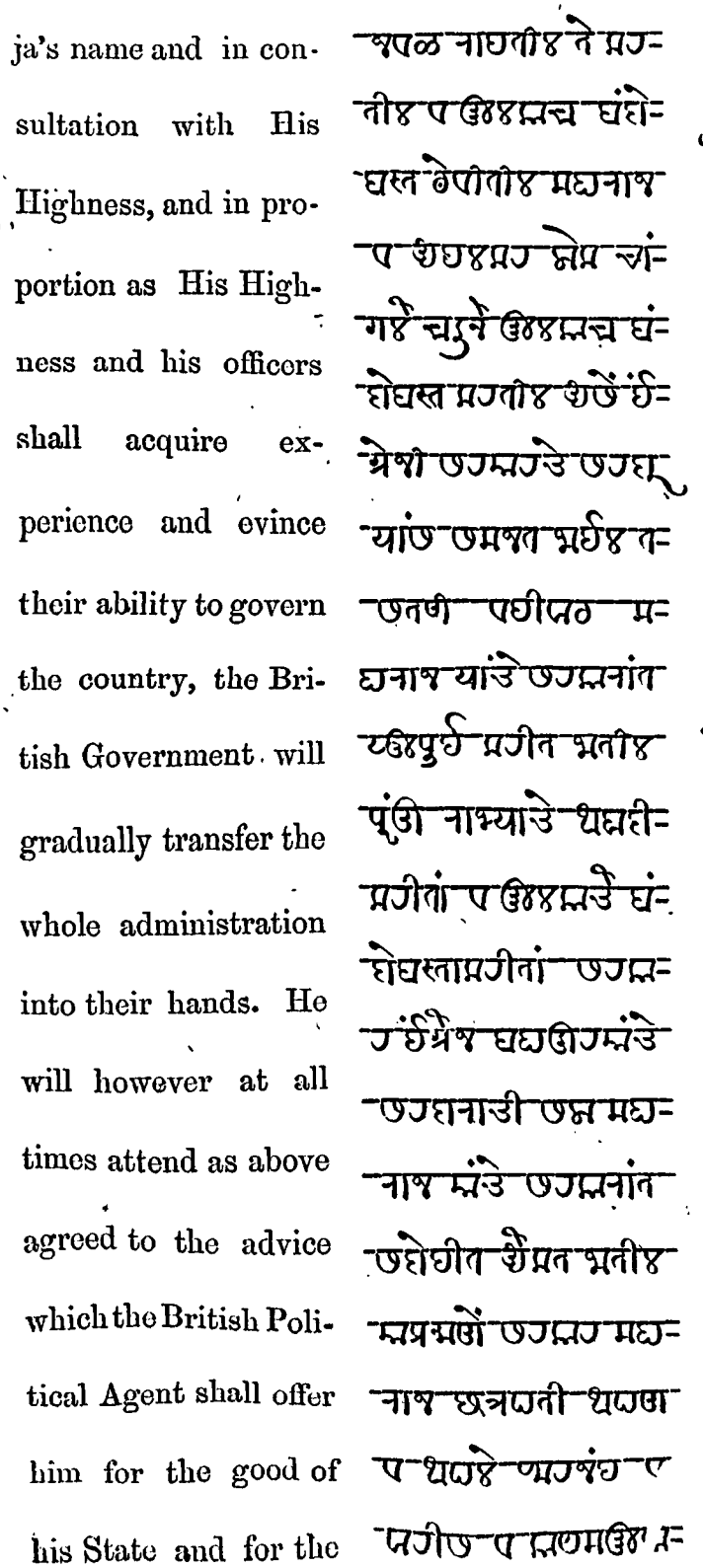
ARTICLE 6TH.

The Raja shall ultimately have the entire management of the country now ceded to him but as it is necessary on account of the recent conquest of the country that it should at first be governed with particular care and prudence, the administration will for the present remain in the hands of the British Political Agent, that officer will however conduct the government in the Ra-

قلم ششم

هر قدر که ملکي از طرف سرکار انگریزي به مهاراجه چهترپتي تفویض میشود در و بست آن ملک بعد چند روز تفویض مهاراجه خواهد بود براي آنکه بالفعل انتظام و تنقیح مملکت نکردید دریافت آن به کمال مي تواند شد و آبادي آن لازم لهذا چندي بمقتضاي مشاوره ومصلحت ازنام مهاراجه چهترپتي اهالیان انگریز بهادر که نزدیک مهاراجه

ja's name and in consultation with His Highness, and in proportion as His Highness and his officers shall acquire experience and evince their ability to govern the country, the British Government will gradually transfer the whole administration into their hands. He will however at all times attend as above agreed to the advice which the British Political Agent shall offer him for the good of his State and for the



خواهند بود تنظيم و
تنسيق كارپردازي مملكت
خواهند نمود وقتي كه
قوانين راست روي
مهاراجه چهترپتي و
اهلكاران مهاراجه موصوف
بتصور اهاليان سركار
ممدوح خواهد رسيد
بحسب رويه آن سرشته
مملكت مفوضه مهاراجه
موصوف خواهد شد
چنانچه مهاراجه چهترپتي
موصوف معه فرزندان
وارثان و قايم مقامان
خود اقرار مي نمايند
كه مطابق صلاح اهاليان

maintenance of general tranquillity.—

ARTICLE 7TH.

The possessions of the jaghcerdars within His Highness's territory are to be under the guarantee of the British Government, which on the other hand engages to secure their performing the service which they owe to His Highness according to established custom—

ARTICLE 8TH.

All persons guilty of murder, treason,

سرکار انگریزي همیشه رفتارخواهند ورزید *

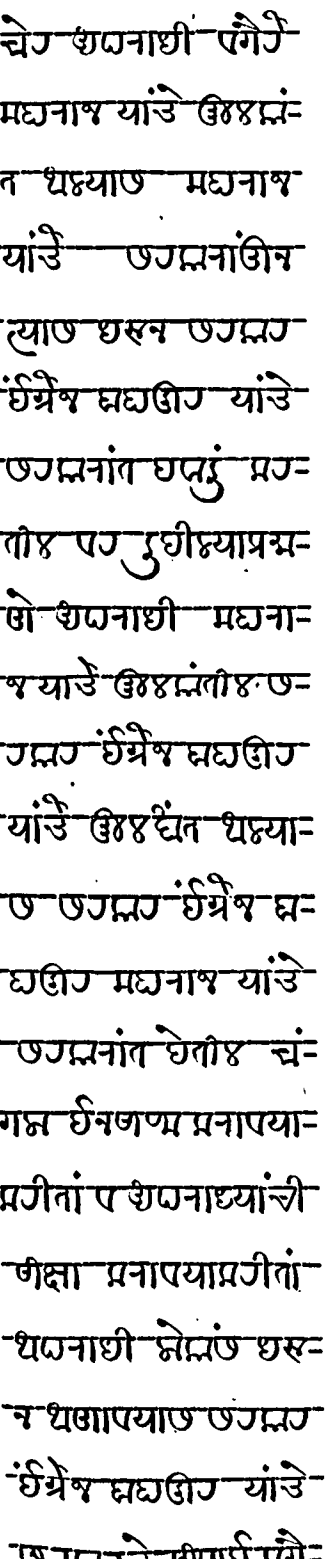
قلم هفتم

هر قدر که مردم جاگیرداران در ملک مرقوم الصدر متعلقه مهاراجه چهترپتي میي باشند بدست یاوري سرکار انگریز بهادر خواهند بود چنانچه ازطرف اهالیان سرکار انگریز بهادر اقرار اینکه جاگیرداران مصدور بحسب تفصیل فرد علحیده در سرکار مهاراجه موصوف مطابق دستور رجوع بوده نوکري خواهند نمود تفصیل فرد آن همراه این عهد نامه مرقوم است *

قلم هشتم

راجه چهترپتي خود معه فرزندان و وارثان

robbery or other great offences, who may fly from the territories of the Company into those of the Raja, are to be given up to the British Government; in like manner, all criminals as above described who may fly into the territories of the British Government are to be given up to the Raja. For the better execution of



و قایم مقامان خود اقرار میکنند که اگر کسي از مملکت انگریز بهادر در حدود متعلقه مهاراجه چهترپتي عاصي و خوني و ارباب تقصیر برود دستگیر نموده سپرد کس آن سرکار انگریز بهادر نمایند و اگر بهچو کس از ملک متعلقه مهاراجه موصوف در مملکت سرکار انگریز بهادر برسد سپرد کرده خواهد شد و اگر بجهت گرفتار ساخته آوردن عاصیان مرقوم الصدر براي اعتدال انصاف و

Justice and prevention of Crimes, the Raja consents that the Officers of the British Government may pursue criminals and apprehend them in his territory.

ARTICLE 9TH.

The Ghauts are to be the general boundary of the Raja's territory towards the Concan. Where no specific exception is made those mountains are to be included within His Highness's territory.—

رسانیدن سزائے واجبي آنہا بہ سپاهي وغیرہ از سرکار انگریز بہادر در مملکت مہاراجہ موصوف وارد شوند متعرض و ممتنع نشدہ عاصیان شرح مرقوم را در حدود خود جا نخواہند داد *

قلم نہم

غالبا بطرفے از کوکن سرحد ملک مہاراجہ از گھاٹ کوہ سیاوري خواہد کرید وہر قدر کہ پشتہ جبال کوہي کہ بر ارتفاع گھاٹ اند از آنجملہ آنچہ در سرکار انگریزي نگاہداشتن

A survey is to be undertaken as soon as convenient to fix the frontier where the mountains run into the plain. The British Government reserves to itself the right of retaining such portions of the mountains so situated as may be necessary to make a clear frontier or for other purposes. The British Government also reserves to itself the right of cutting timber on the western sides of the Ghauts. The customs in the Line of Ghauts are to be levied by the Com-

ते ऐजीषप्रसन घप्री
मघनाष यांउे ७ऽप्ल-
नांत घेतीष ऽघेउे घं-
घेघस्त प्रनापयाप्रऽीतां
पाघणी प भेषणी भै-
प्रऽ घेईष भ्या भगीं
घाव्रउे डोंगऽ प्लेप्रण-
उे मैघभंत ष्प्रऽ भतात
त्या भग्याउी ऽघ नी-
ठ द्यपयाप्रऽीतां त्या-
पेप्री षीतप्री भगा
ईंग्रेष ७ऽप्लनांत पाघी-
षे तीतप्री ठेतीन घप्री
मघनाष यांउे ७ऽप्ल-
नांत नाघीष जगप्रनी
एगैऽे भप्रडें ईंग्रेष घ-
घउीऽ यांउे ७ऽप्लनां-
त पाघीषे ते तीं तोडुन
नेतीष प घांव्रउी ष-
प्लत ईंग्रेष घघउीऽ
यांउे ७ऽप्लनांत नाघी-
ष षप्लतीउे भेघघभ

منظور خواهد بود آنرا
جدا نموده باقي بطرف
مهاراجه خواهد بود و
دریافت ملاحظه پیمایش
آن بجهت نظم حدود
بتعجیل خواهد شد هر
کوهیکه از تعلقه مهاراجه
که دامن آن کوه درپائین
کوکن رفته باشد بحسب
مطالبه براي درستي و
تصفیه حدود اخذ نموده
تتمه داده خواهد شد وقسم
چوب ساکون وغیر هر
قدرکه درسرکار انگریز
بها درمطلوب خواهد بود
از کوهستان و بیابان
آن گرفته خواهد شد
و وجه آمدني زکوات

pany and an equivalent allowed to the Raja.

ARTICLE 10TH.

The Honourable Company and the Raja, agree to enter as soon as may be convenient on a commercial treaty, and in the meantime the Raja for himself and for his heirs and successors engages to adopt the same system with regard to customs as that which may be adopted by the British Government in its adjoining territories.—

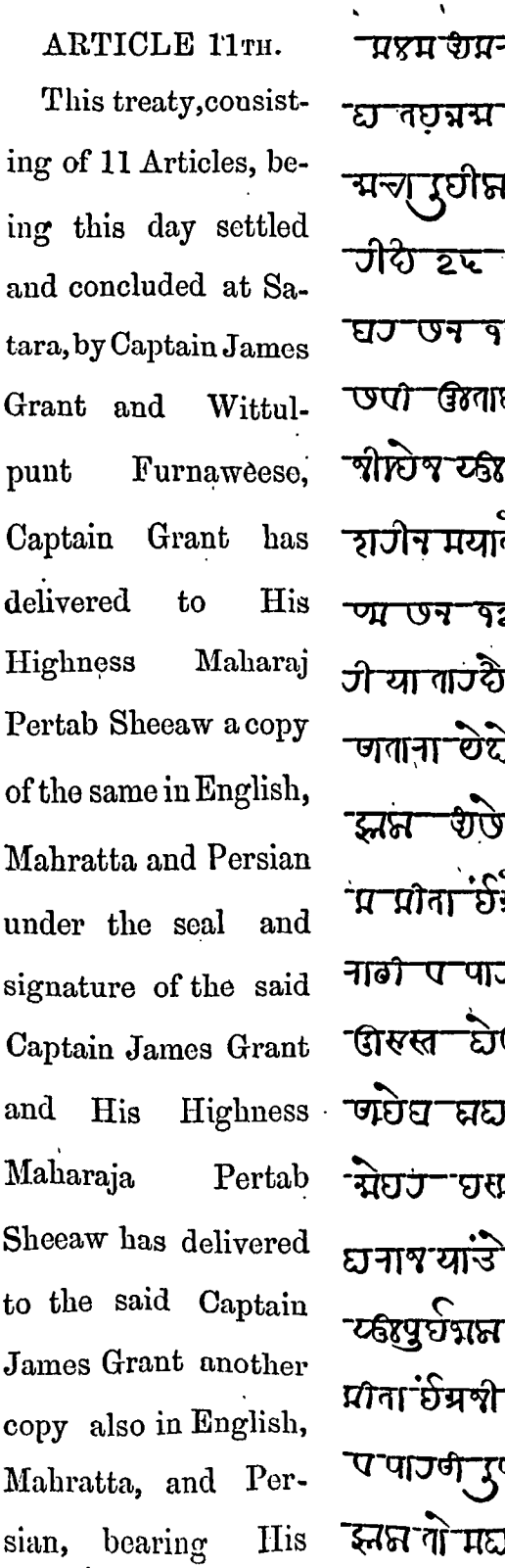
يعني سايرو جهات گهات
مزبور در سركار انگريز
بهادر خواهد بود *

قلم دهم

انتظام تجارت و
زكوات كه حالا مي بايد
بشود به تنسيق آن از
سركارانگريزي ومهاراجه
چهترپتي باتفاق همديگر
قرار آن بعمل خواهد آمد
تا كه بندوبست اينمعني
مطابق سرشته مملكت
انگريز بهادر كه پيرامون
ملك مهاراجه است
موافق آن مهاراجه
ميگرفته باشند بدين
موجب از سركارين
قرار يافت *

ARTICLE 11TH.

This treaty, consisting of 11 Articles, being this day settled and concluded at Satara, by Captain James Grant and Wittulpunt Furnaweese, Captain Grant has delivered to His Highness Maharaj Pertab Sheeaw a copy of the same in English, Mahratta and Persian under the seal and signature of the said Captain James Grant and His Highness Maharaja Pertab Sheeaw has delivered to the said Captain James Grant another copy also in English, Mahratta, and Persian, bearing His



قلم يازدهم

مطابق صدر تحرير

يافته مرقوم في التاريخ

بست پنجم شهر سپتمبر

سنه ۱۸۱۹ عيسوي

مطابق چهارم ذيحجه

شهور سنه عشر مياتين

والف سنه ۱۲۳۴ هجري

مقام ستاره تقرر يافته

چنانچه يک قطعه

هذا تهر نامه بشرح

انگريزي و فارسي و

هندي ترقيم و درست

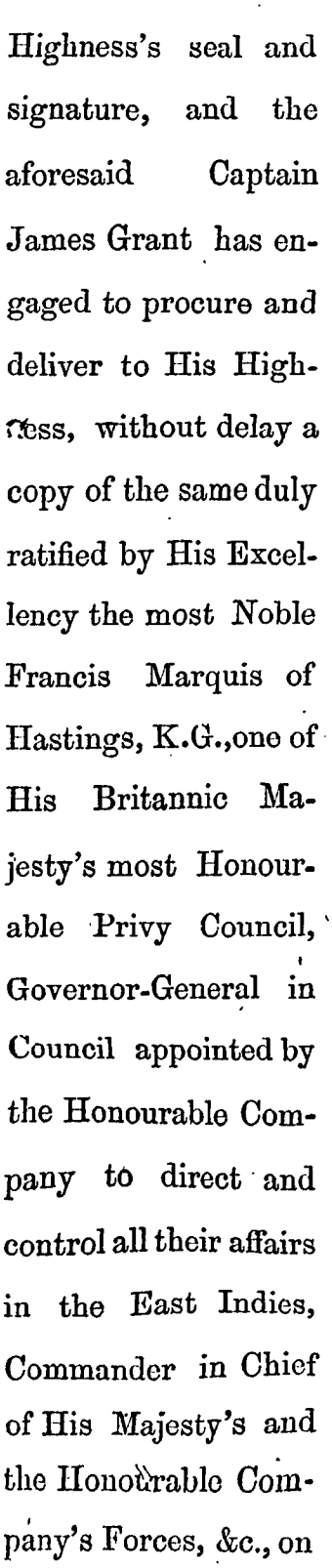
نموده به مهر و دستخط

کپتان گرانت صاحب

بهادر ممدوح تفويض

مهاراجه چهترپتي کرديد

Highness's seal and signature, and the aforesaid Captain James Grant has engaged to procure and deliver to His Highness, without delay a copy of the same duly ratified by His Excellency the most Noble Francis Marquis of Hastings, K.G.,one of His Britannic Majesty's most Honourable Privy Council, Governor-General in Council appointed by the Honourable Company to direct and control all their affairs in the East Indies, Commander in Chief of His Majesty's and the Honourable Company's Forces, &c., on



وفيز بشرح انگريزي
و فارسي و مرهٹي بمهر
و دستخط مهاراجه
چهترپتي موصوف سپرد
گرانٹ صاحب بهادر
ممدوح شد برين معني
گرانٹ صاحب بهادر
قرار مينمايند كه اين
نامه از حضور
نواب معلى القاب گورنر
جنرل صاحب بهادر بمهر
و دستخط مزين گشته
خواهد آمد آنرا تفويض
مهاراجه نموده خواهد
شد و وقتي كه اين
نامه از حضور گورنر
جنرل بهادر ممدوح صحيح
شده خواهد آمد منوط
و مربوط خواهد گشت

the receipt of which by His said Highness this treaty shall be deemed complete and binding on the Honourable East India Company, and on His Highness Raja Pertab Sheeaw, and the copy now delivered to His said Highness shall be returned.—

و لوازم ماوجب و
مستلزمه از سرکارین
بعمل خواهند آمد و
بعد آن این تهه نامه
و دستخطي گرانت
صاحب بهادر که حالا
داده میشود از سرکار
مهاراجه چهترپتي واپس
کرده خواهد شد *

The Company's wafer Seal.

(Signed) HASTINGS.
,, JAS. STEWART.
,, J. ADAM.

مهر گورنر جنرل صاحب بهادر
(The Governor-General's Seal.)

زبده نوینان
عظیم‌الشان شد خاصگي
حضور فیض معمور بادشاه
بهادر کیوان بارگاه
انگلستان اشرف
الاشراف مارکویس
آف هستنگس گورنر
جنرل ناظم ممالک
محروسه سرکار کمپني
انگریز بهادر مرعظم
عساکر بادشاهي و
سزکار کمپني متعلقه
کشور هند سنه هجري

Ratified by His Excellency the Governor-General in Council this 27th day of November A.D. 1819.

(Signed) C. T. METCALFE,
Secretary.

48. When in 1839 the Maharaja Chhatrapati Pratapsing was deposed and my husband was seated on the throne in his place by the East India Company, another treaty was concluded with our family on 4th September 1839. The Persian was then almost out of use at our Durbar; therefore the treaty was framed in Marathi and English, reference being made to the first treaty. It is as follows :—

(*Extract No.* 17.)

Treaty between the Honourable East India Company and His Highness Shreemun Maharaj Shahjee Rajey Chutturputtee of Sattara concluded at Sattara on the 4th September 1839 by Lieutenant Colonel Ovans Resident at Sattara on the part of the Honourable East India Company and by Eshwantrao Trimbuck on the part of Shajee Rajey Chutturputtee by virtue of full powers from their respective Governments.

श्री

[illegible]

ARTICLE 1st.

All articles of the Treaty of Sattara dated the 25th of September 1819 which are not abrogated

प्रथम अपथ १.

[illegible]

or modified by the present Supplemental Treaty are hereby confirmed.

ઘ્યું યા પુરપણીડે તઇમમ્યાંતીઇ
પ્રઇમપસ્ન રઇ પ પ્રંઠેશ ઝ્યું મ-
ઇીંત તીં જરીં પ્રઇમેં ઘઘઇ ઝઉેત.

ARTICLE 2ND.

It is hereby explicitly declared, that the Raja has no present or prospective title or claim to any territory situated beyond the boundaries of the Sattara State as the same are laid down in the Schedule dated the 29th of March 1826 annexed to the aforesaid Treaty as follows: "The frontier extends from the Kisna and Wurna on the South to the Neera and Beema on the North and from the Western Ghauts or Siyadree Hills on the West to the Districts of Punderpoor and Beejapoor on the East."

પ્રઇમ ઊઉરેં ૨.

યા તઇમમ્યાપસ્ન જન્મ ઠરણ્યાંત
થઇેં થઇે ન્યેં ઉઇરીં રુઇીઇેઇે તઇ-
મમ્યાઉ તારીદ્ધ ૨૯ મર્ડ ઉન
૧૮૨૬ ઈઉપીડી યાઇ મેડ્યુ થઇે
ત્યાંત જતારડે ઊઇમ્નડી ઉરઇઇ
ઝજી મગ્યુ થઇે પ્રીં ઇક્ષણેપ્રડે પ-
રણા પ ઘ્રષ્ણા નઇી પ ઊત્તરેપ્રડે
નીરા પ ભીમ નઇી પ ઢશ્ચમેપ્રડે
ઉયાઇી ઘાંઠ પ પુર્વેઉ પ્રાંત ઢંઢર-
પુર પ પીભ્યાપુર ઝજી ઇઇ મગ્યુ
થઇે ત્યા ઇઇીઘઇેરીઇ ઇરણેપ્ર ઊઇ-
ઇમ્નપર મઘરાજ છત્રઢતી યાંચ
ઘ્યું ઝઢપ પુઢેં મ્નંઇીં પર્જ પ ઘપ
મઇીં.

ARTICLE 3RD.

In modification of Article VII. of the aforesaid Treaty, and to obviate future disputes, the Jagheerdars herein named viz.

1 The Raja of Akulcot

2 The Punt Sucheo

3 The Punt Prittyniddy

4 The Duffley

5 The Nimbalkur

6 Shik Meeura Waeeker

are placed under the direct management and control of the British Government, their contingents and pecuniary payments on the scale fixed in the time of Captain Grant being reserved to the Raja.

प्रथम तीसरें ३.

तारीख २८ मये सन १८१९ ईसपीसे तह्नमम्मंतीस जतपें मथम प्रंधेश प्रस्न पुढें म्हंघीं दिठम न घडाव म्हस्तप घ्रुं ठरथें थये भद्यगीरदार घीतघसीथ

१ थप्रथम्लेठप्रर.

२ घंत सडीप.

३ घंत प्रतीनीधी.

४ डण्मले.

५ नींघ्रळप्रर.

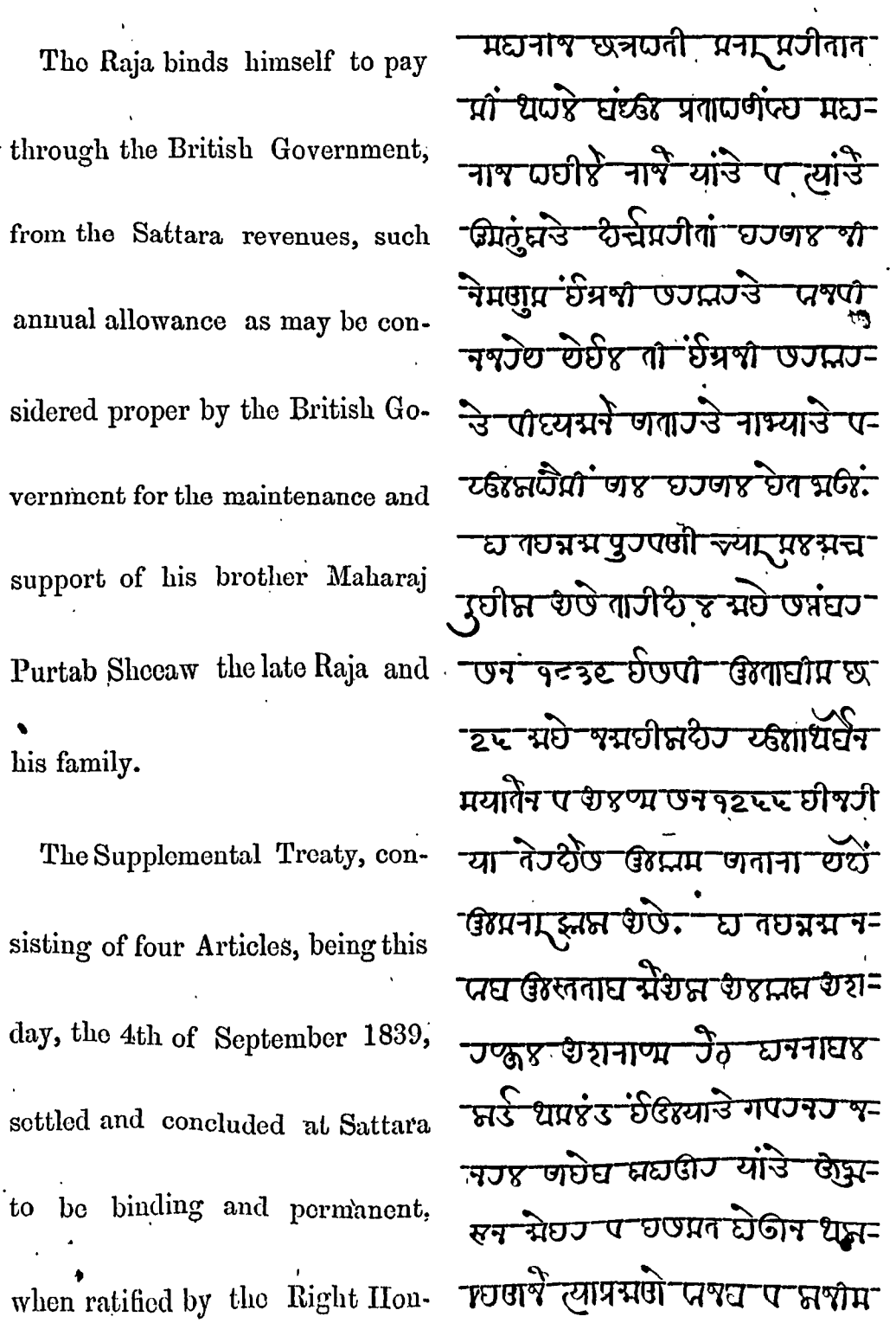
६ सेथ मीनाप्रईप्रर.

सघरसे जघ भगीरदानापर च-प्रदीसे स्परर प प्रप्तान ग्रांठ जथेघ घ्रघ्रीरम्रसे पेलेस भे घैम्र त्याभद्य-गीरदानाप्रडुन मघनाश सरम्रनांत घ्यापम्रच ठरम थये तो मघनाश छत्रघती म्रंशप्रडे म्रलम ठेडीन घ्र-प्री म्रंडी घनोघस्त पहीपठ प सेः-प्रमत घरभ्रर्ं ईंग्रशी सरम्रनांत ठे-पीरु शसे.

ARTICLE 4TH.

The Raja binds himself to pay through the British Government, from the Sattara revenues, such annual allowance as may be considered proper by the British Government for the maintenance and support of his brother Maharaj Purtab Sheeaw the late Raja and his family.

The Supplemental Treaty, consisting of four Articles, being this day, the 4th of September 1839, settled and concluded at Sattara to be binding and permanent, when ratified by the Right Hon-



ourable Lord Auckland Governor-General of India.

[illegible]

(Signed) SHAHAJI MAHARAJ CHUTTERPUTTEE,
Sovereign of Sattara.

(Signed) C. OVANS,
Resident at Sattara.

Seal of the Sattara State.

Ratified by the Right Honourable the Governor-General of India at Simla this 24th day of October in the year of our Lord One Thousand Eight Hundred and Thirty-nine.—

(Signed) AUCKLAND.

Governor-General's Seal.

49. From these treaties it is evident that our Sovereignty ought to be continued in my family; hence I lay this appeal before your Majesty for serious consideration. I beg here to draw your Majesty's particular attention to those words in the Maratha, Persian, and English copies of the Treaties which guarantee perpetuity to my Sovereignty, and the manner in which they have been interpreted by learned men and statesmen after thorough investigation.

50. *Meaning of the English words in the treaties interpreted by eminent learned men:—*

Words.	Authors by whom interpreted.	Meaning of the words.	
		In English.	In Marathi.
1	2	3	4
Perpetual.	Major Candy. Dr. Webster.	Never ceasing; everlasting; incessant, (See Dr. Webster's illustrated edition P. 973.)	१ निरंतर. २ अखंड. ३ चिरकाळ स्थाइक. ४ सर्वकाळ स्थाइक. ५ नेहमीचा काइम दाइम. (See Major Candy's English Marathi Dictionary, printed 1847, page 532.)
Friendship.	Do. Do.	An attachment to a person, proceeding from intimate acquaintance, and a reciprocation of kind offices or from a favourable opinion of the amiable and respectable qualities of his mind (See Do. P. 544.)	१ मैत्री. २ दोस्ती. ३ स्नेह. ४ सख्यत्व. (Major Candy's English Marathi Dictionary. 1847 page 281.)
Alliance.	Do. Do.	A union or connection of interests between families, states, parties &c. (Vide page 37 of Do.)	१ संयोग. २ संगनमत. (Do. Do. page 29.)
Heir.	Major Candy. Dr. Webster.	One who receives, inherits, or is entitled to succeed to the possession of any property after the death of its owner. (See Dr. Webster's illustrated edition page 618)	१ दायाद. २ वारिसदार. ३ वारिस. (See Major Candy's Eng. M. Dictionary printed 1847 page 317.)
Successor.	Do. Do.	One who succeeds or follows; one who takes the place which another has left, and sustains the like part or character (See do. page 1320)	१ मागें–पाठीमागें–मागून–पाठीमागुन–येणारा. (Do. Do. p. 724.)

Words.	Authors by whom interpreted.	Meaning of the words.	
		In English.	In Marathi.
1	2	3	4
Sovereignty.	Do. Do.	The exercise of, or right to exercise supreme power; dominion; sway. (See do page 1263)	१ अधिराज्य. २ सामराज्य. (Do. Do. p. 693)
Perpetual Sovereignty.		Such dominion and supreme power without limit as to period of its exercise or continuance.	१ अखंड सामराज्य. (Do. Do. p p. 532 and 693.)

51. *Meaning of the Persian words as interpreted by a wellknown scholar.*

1	2	3	4
Furzund.	Mr. John Shakspeare.	Lineal issue.	पुत्र अगर कन्या. (See Shakspear's Dictionary 3rd edition 1834 page 1256)
Waris.	Do.	Heir.	१ दायाद. (Do. p. 1823.)
Kayeem Mukam.	Do.	Of the fixed or permanent place. Vice regent. Administrator.	१ राजप्रतिनिधी आदी करून राजाचे पश्चात् राज्यव्यवस्था करणारे. (Do. Do. p. 1273.)
Lawahik.	Do.	Followers, clients, domestics. (See Mr. Francis Johnson's Persian Arabic and English Dictionary of 1852 page 1070.)	१ नोकर मंडळी. (Do. p. 1527.)

52. *Meaning of the Marathi words as interpreted by well known authorities.*

1	2	3	4
छत्रपति.	Molesworth.	One having or entitled to a Chhatra.	सार्वभौम राजा. (Molesworth's M. E. Dictionary p. 398).
खानदान.	Do.	Parentage or race.	कूळ. (Do. p. 204.)
बहुत दिवस.	Do.	Of a long standing.	प्राचीनकाळापासून. (Do. p. 569)
मंडळी.	Do.	A congregated or corporate body.	जमात. (Do. p. 626)
शान सौकत	Do.	Embellishing or decorating.	ऐष आराम. (Do. p. 785.)
फरजन्द.		(See the meaning of the first word under para 51.)	(५१ व्या कलमातील पहिला शब्द पाहा)
वारिस.		See the meaning of the second word under para 51.	एकावन्नावे कलमातील दुसरा शब्द पाहा.
कायम मकाम.		See the meaning of the third word under para 51.	सदर कलमातील तिसरा शब्द पाहा.
सदोदित.	Molesworth.	Perpetually. (Molesworth's Dictionary page 816.)	१ चिरकाळ. (Molesworth's Dictionary page 816.)

53. I have given the Marathi text of the treaty under paragraph 47 and in order to enable your Majesty clearly to perceive the force of the language in which its preamble and first Article have been worded, I beg to add here the translation of them from the two opening pages of a pamphlet written for the information of the East India Company after consulting eminent authorities by one of the Proprietors of the Hon'ble East India Company and Translator and Interpreter of the late Supreme Court of Bombay, Mr. Graham on 1st January 1849 (printed by Mr. G. Norman, published, Maiden Street, Covent Garden) for the translation of the treaty in English by Mr. James Grant Duff is only a summary of it:

(*Extract No.* 18.)

"A Treaty for strengthening, holding firm, and cementing friendship between the prosperous and valiant English Government (meaning more properly the East India Company's local Government), which is thus assured in its mind that the illustrious house of His Highness Shreeman Maharaj, Rajah Pretab Sheau Chuttraputtee, of Sattara, is of high antiquity, therefore, for and on account of the dignity and grandeur of his Highness and his Highness's house and family, some kingdom or sovereignty (Raj) is to be given to his Highness.

"On this (subject) the valiant Captain James Grant, Agent on part of the valiant English Government, and Veethul Bulal, on part of the state or Government of His Highness Maharaja Chuttraputtee, both these (parties) have established this Treaty which is written down in these Articles following:—

"Article 1st.—The valiant English Government on its part agrees to give *country or territory* to the *Government* or *state* of his Highness Maharaja Chuttreputtee, (the Raja of Sattara), a separate Memorandum or Schedule of which is attached to this written Treaty; His Highness Maharaja Chuttreputtee and his Highness's *sons* and *heirs* and *successors* (meaning a Regency), are perpetually (*i. e.* from generation to generation) to reign in Sovereignty over the Territory. On account of this, these (*i. e.* the *Treaty* and *Territory*) are given."

54. From the texts of the treaties annexed to paras 47,48 and the interpretation of the terms therein expressive of perpetual sovereignty by well known able writers after full investigation, it will be clear to your Majesty why the sovereignty should be perpetually continued to me, my heirs, and Regency (*Kayum Mukam*). However, to place my rights in still clearer light before your Majesty I humbly add the following—

55 *Extract from the 2nd and 3rd pages of the pamphlet above alluded to of Mr. Graham, Proprietor of the East India Company and Translator and Interpreter at the late Supreme Court, Bombay.*

(*Extract No.* 19.)

"1st. Maharaj Chuttreputtee is the highest of the Hindoo royal titles implying the Great King, the Emperor, or his Imperial Majesty

"2nd. *Farzund* (in Persian) is 'a Son, or begotten Son,' in the Mahratta language termed '*Ourus Pootre.*'

"3rd. *Waris* in Arabic is 'an heir,' implied by the Mahratta word '*Vounsh,*' 'a relative,'—here meaning the *adopted son* (*Dutt Pootre*) whom the Raja may think proper to take and adopt from among his relatives.

"4th *Kayeem Mukam,* in Arabic, literally, 'of the fixed or permanent place,' applicable to those qualified to succeed in the Government of the Kingdom, being a *Regency,* here consisting of the Queen, the Ministers, Agents, and other Officials of state after the decease of the Raja, and during the minority of the adopted Son and Heir.

"5th. *Sudodeet* in Mahratta, literally signifies, 'Perpetually,' so long as the sun and moon remain, meaning 'from generation to generation,' they are to reign, and rule."

"Note—'Lineal descendant by blood' would be expressed in the Mahratta language thus—*Vounsh*[1] *Ructay*[2] *Masant*[3], i. e. descendant[1] by blood[2] (and) flesh[3]. In the Treaty of the 25th September, 1819 the Arabic word *Waris*—literally 'heir'—is used, which applies to the Mahratta word Vounsh, as above, or to the Dutt-pootre, 'adopted son.'"

56. I have given above the true version of the terms used in the treaties given under paras 47—48. I beg now to lay before your Majesty the erroneous views entertained in the interest of the East India Company against the terms of the treaties, and against the usage of the country by the Hon'ble Messrs. Reid and Willoughby, Councillors of the Bombay Government; Lord Dalhouse, the Governor-General of India, and his Councillors, the Hon'ble Mr. Millet and Major-General Sir J. H. Littler, G. C. B.; the President of the Court of Directors, the Hon'ble Sir John C. Hobhouse Bart. and Mr. Ross Donnelly Mangles, M. P.

57. *Minute by the Hon'ble Mr. Reid, Councillor of the Bombay Government on April* 25, 1848, *published in the Parliamentary Papers Relative to the Raja of Sattara, paras* 1—16 pp. 64—66.

(*Extract No.* 20.)

I feel assured that the Government of India and the Home Authorities will entirely approve of our honourable President's proceedings on the occasion of the lamented demise of the late Raja Shahjee of Sattara.

2. The question of the disposal of the principality on this prince's having left no issue, is one of great moment. The honourable the President thinks that the British Government must confirm the adoption made by His Highness, immediately before his death, of a son from the cognate house of Shedgaom, and allow that son to succeed to the kingdom.

3. In my view the question is one to be decided purely on grounds of expediency. I cannot recognize any indefeasible right in a son whose adoption has not been sanctioned by the paramount power to succeed. That sanction is as much necessary to render such an adoption valid, as is any other form which the usage of the country, or the religious law of the party, may prescribe.

4. A right to grant implies a right to withhold such sanction. No one can, I presume, deny the claim of the British Government to be the lord paramount throughout India, and least of all throughout the country formerly under the rule of the Maharattas. This paramount power is still less to be questioned in the present instance, since we ourselves created the subordinate sovereignty, the disposal of which is now under consideration.

5. The terms of the Treaty of 1819 convey the ceded territory to the Rajah, 'his heirs and successors.' Of the words used in the Mahratta and Persian versions, *Furzund*, *warisan*, and *kaim mukam*," the first, "furzund," means in Persian a child, whether male or female. It is scarcely adopted into the Mahratta language; and where it is so, not always in its true sense, as in some part of the Mahratta territory it means a slave born in a prince's family. The second, "warisan," is an Arabic word, meaning generally heirs, and is much used in Mahratta. The third, "kaim mukam," is Arabic, meaning a viceregent or lieutenant. And what is intended by the introduction of such a word, which I believe is unknown as having any definite meaning throughout the Mahratta territory, I am at a loss to discover. Probably there was a difficulty in translating the word, 'successors,' in the English Treaty, and this was meant to represent it. I consider the translation anything but felicitous, and the terms used, especially in a document having reference to a Hindoo family, indefinite and obscure.

6. There appears, however, to be no necessity for our looking beyond the English version, and in the present instance we need consider only the first term used, that of "heirs." We can have no concern with a successor who is not an heir.

7. Had Shahjee left male issue, there could have been no question of the entire right of such a son to succeed to the musnud. The honourable the President appears to consider that an adopted son has the same right; and in this I should fully agree with him, had that adoption received the sanction of the British Government. I cannot admit that such estates or fiefs are to be treated precisely as private property, and to follow strictly the law of succession, which the code of the party prescribes. In these matters usage overrules or adds to the law, and a deviation from such usage invalidates an adoption, so far as the state is concerned, as much as any deviation from the formalities required by the law. If, indeed, the sanction of the paramount power is not essential, and if, without it, the claim of an adopted son is perfect, what was the advantage of our declining to grant the late Raja's request, and needlessly embittering his last moments, by leaving the question of his succession in doubt and uncertainty.

8. The president has quoted (Para 12), as in support of his opinion, the minute of the late chairman of the Honourable the Court of Directors, on the occasion of the deposition of the ex-raja, in 1839. The views therein expressed are certainly not those acknowledged on this side of India; and they are, moreover, those of a gentleman in the minority on the question then before the Court, since otherwise the late Raja Shahjee would never have been raised to the throne. I have been unable to procure the printed volume in which this minute is to be found, but I presume it must contain minutes of a different tendency, and (judging from the result) of superior authority.

9. If a successor is to be admitted, I entirely concur with the honourable the President in the opinion, that he, should be the son adopted in his last moments by his highness Shahjee. Our treaty of 1819 was with Prutabsing, his heirs and successors. All his ancestry, and those springing from them, were passed by. No right was confirmed to them. The other branches of the family springing from Kelojee Babjee, the great grandfather of Sevajee, and the first in the pedigree accompanying the honourable

the President's minute have no part in the settlement. They might perhaps claim the titular dignity of Raja of Sattara, but they can have no pretension to the territorial sovereignty which was created in favour of Prutabsing. By the arrangement of 1839 his brother was specially admitted to the benefit of that settlement, and the adopted son of the last recognized possessor of the throne must have a preferable right to that of the adopted son of the doposed Raja, or any other claimant.

10. I can consider it no valid argument that we ought to recognize this adoption because we have recognised others. What may have been the motives of the Government of India in recognising those of Scindia and Holkar (who, moreover, were always more free and independent of our authority than the Sattara Rajas), we have no means of knowing. I have no doubt they were formed on the best and soundest policy. Within our own provinces we have sometimes sanctioned adoptions, sometimes declined to do so. Each case has been decided on its own merits, and this course should in my opinion be followed in the present case, and in all future cases which may arise.

11. To admit the right of adoption in all cases would be to vitiate our proceedings in numerous instances. We should have to retrace our steps, to place an Angria on the gadee of that principality, to revive the state of Mandvee, and even to restore the jageers of the Chiefs of the Southern Mahratta country, which have lapsed to us in default of issue. I think we cannot too distinctly uphold the principle, that no adoption by which subordinate states, or property held of the state, is affected, can be valid without the sanction of the sovereign authority.

12. Whether it is expedient in this case to admit the adoption and the succession to the Sattara musnud is a question for the decision of the highest authorities. In favour of this course are the policy of conciliating the population of what formed the Mahratta empire; the advantage of having a perfectly friendly and dependent state in the heart of our districts, whose, power and influence can be made use of by us in the maintenance of internal tranquillity, and probably a conviction that, under the mild and excellent Government of the late Raja, his country flourished in a degree with which our neighbouring districts cannot well sustain a comparison..

13. As to the effect on the Mahrattas, as a nation, I believe that beyond the Sattara territory itself, the continuance or extinction of the dynasty would be viewed with perfect indifference. The good Government of the late Raja, necessarily endeared his own subjects to him, and they would doubtless feel the breaking up of his petty court; the absence of employment among his retainers hitherto open to many of the higher families, and the substitution for the more loose and patriarchal system of Government, under a Hindoo sovereign, of the definite and unbending laws of our administration, which is far less palatable to natives of India, than that of a well-conducted native state under a mild and sensible prince.

14. Whether the existence of the separate Government of Sattara has in any way contributed to the internal security of our provinces, is a question on which it is difficult to arrive at any very definite conclusion. During the disturbances a few years ago in Kolapoor, we availed ourselves of the co-operation of Sattara, and that territory remained perfectly tranquil. But our districts of Belgaon and Dharwar, at a distance from Sattara, and close to the scene of the disturbances, remained perfectly tranquil also, and I know of no grounds for believing that had Sattara been a province of the British Government, the result would have been in any respect different. No doubt, had the Raja been of an intriguing disposition, and actuated by unfriendly feelings, he might have caused annoyance secretly without subjecting himself to be called to

account for breach of treaty. The advantage or disadvantage therefore of having this principality in the heart of our territory, must greatly depend on the character and feelings of the reigning prince.

15. I believe it will be universally admitted, that the manner in which both their highnesses, Prutabsing and Shahjee administered the internal affairs of the Sattara state, was such as to hold them up as models to all Indian princes.

16. The arguments in favour of enforcing our right to the lapse, are founded on the position of this territory intervening between our provinces of the Deccan and South Mahratta country, thus separating our two large military stations of Poona and Belgaum; and on the inexpediency of allowing so large a portion of the revenues of the country to be diverted from the purposes of the general government, for which the resources now at its command are notoriously inadequate. We must be just before we are generous; just to the community at large before we are generous to an individual family. Our want of means prevents our doing justice to the country and improving it in the many ways of which it is capable; and it is a matter for serious consideration, how far we should be justified in declining to avail ovrselves of an opportunity by which those means may be legitimately augmented, and the public revenue of this presidency may be brought more nearly to the standard of its expenditure.'

58. *Minute by the Hon'ble Mr. Willoughby, May* 14, 1848, *published in the Parliamentary Papers relative to the Raja of Sattara, sections* 1–34 *p p.* 67–76.

(*Extract No.* 21.)

1. On occasions like the present, when subjects of great importance are submitted for the Board's consideration, a member of Government experiences this difficulty, he must either record his opinion immediately, or by detaining the papers under discussion for a considerable period, he must cause a delay in their transmission for the decision of the supreme authority.

2. I experience this difficulty in the present instance. A more important question than that of the continuance or extinction of the Sattara state has not arisen since I became a member of this Government. It does not affect that state exclusively, but raises the general question of what is the right policy to be pursued towards any other native state of India under similar circumstances. In other words, it raises the question, whether on failure of heirs natural it is expedient to absorb them in the general sovereignty of the Anglo-Indian empires, or to continue them by the Hindu custom of adoption.

3. A question of this grave and comprehensive character can only be determined after much study and research, and the most dispassionate consideration, and with a full knowledge of the prerogatives vested in the Governments we have succeeded. It requires also to be considered, with reference to the marvellous and extraordinary course of events by which the British nation has become the undisputed lord paramount throughout India, and what is of still more importance with reference to the means best adopted for strengthening and consolidating British power in this country, not merely from motives of self aggrandisement, but for the welfare and happiness of the millions who, under Providence, are now subjected to our rule

4. It is not my intention at present to enter at length upon the discussion of this interesting topic. I am aware that our late honourable President was anxious that the question now pending regarding the Sattara succession, should be forwarded with as little delay as possible to the high authorities, by whom alone it can be determined. Of necessity, therefore, I must confine my remarks within as narrow a compass as I am able.

5. I shall first observe, that on the general question my views are very much in accordance with those recorded by the Government of India in 1841, when the question of the Colaba succession was under discussion. That Government was composed as stated in the margin and at all events, as far as related to the internal administration of India was surpassed by no former Government in ability and zeal, and in an anxious and conscientious desire to promote the real interests of the empire at large; on reference to the minutes of Lord Auckland and his colleagues, it will be seen that they were unanimously of opinion that our policy should be, "To persevere in the one clear and direct course, of abandoning no just and honourable accession of territory or revenue, while all existing claims of right are at the same time scrupulously respected."

Lord Auckland, Governor General; Mr. Bird; Mr. Prinsep.

6. Or, in the language of a former member of this Government in advertence to the question of the Mandavee succession, "On the general question of taking those escheats when they fall in, I have even more confirmed opinions than when I last wrote on the subject. I would take nothing without the clearest right. I would strain no point to make out that right; but when the right clearly falls, I would unhesitatingly take the acquisition which the right gives; and upon this great view, that we in taking that which has justly and legally become our property extend a dominion of just principles, in which the great object is the good of the people, who have in fact become our subjects. I hold our Government, for the good of the people, for the advancement of intelligence, to be incomparably better than the Government of any native state, not only or chiefly in the immediate operation of our system, but in the great end that is ever in our view, and which our principles and our administration must in time surely bring about."

Minute by Mr. Anderson, dated 5 May 1843.

7. I entirely concur in these sentiments. I am no advocate for the extinction of the native states of India by violent and unjust means, when, however, they fairly lapse to us as they would have done to the Government which preceded us, I would not, except under special circumstances, perpetuate them by adoption, under what I conceive to be a groundless impression that any accession of territory weakens rather than strengthens our authority in this country. Not only does the entire external defence of India devolve on the British Government, but in numerous instances we are bound to protect these native states from aggression from without and rebellion within. We cannot escape from the obligation of our subsidiary alliances, but it cannot be denied they have produced great evils in the subsidized territory. The only check on despotism, "the wild justice of revenge," is destroyed; for whatever may be the oppression and misrule in these states, all hope of effectual resistance is frustrated by the certainty of our ultimate interference. I am satisfied that the extension of British laws and institutions, tempered with a due regard to the customs and prejudices of the people of India, must benefit the masses; and I would therefore, in cases of fair lapse from want of natural heirs, exercise what I believe to be our undoubted prerogative, that of refusing to recognise heirs by adoption.

8. With these preliminary remarks, I now proceed to notice the two questions which arise consequent on the late Raja of Sattara having died childless; namely first, whether his highness had an inherent right to adopt, so as thereby to convey to the adopted son the right of succession to the Sattara state; and second, on the supposition that he did not possess such right, is it incumbent or expedient that the British Government should confer the right by confirming the adoption, and continuing the Sattara state in favour of the child adopted? On both these questions differences of opinion may be expected. My own opinion is, that the late Raja did not possess an inherent right of adoption, so as to affect the succession, and that, taking all circumstances into consideration, it is not expedient that Government should confer the right.

9. On the first question, it may be observed that the creation of the Sattara sovereignty in 1818-19 was an act of spontaneous liberality on the part of the British Government. It will not, I imagine, be disputed that at the close of the war we had as much right to retain the territory comprehended in that sovereignty as we had to retain any other portion of the territory which belonged to the Peishwa. Our right was the strongest of all rights, or that derived from the successful termination of an unprovoked war. The Rajas of Sattara had long antecedently become extinct as rulers; they retained the title, but none of the attributes of power; they were mere puppets, "powerless, pageant monarchs of Sattara," maintained by the Peishwa for political objects. We found them immured in a fort and in a prison, and we placed them, on certain conditions on a throne. To our generosity the late Raja and his brother were indebted for the restoration of a portion of the territory which had formerly belonged to Sevajee, and of which they had long before been deprived by the Paishwa; whatever rights therefore they possessed must be looked for in the treaty of 1819, under which the Sattara state was created, and not in what may have been the practice before the usurpation of their authority by the Paishwas. This treaty conferred the sovereignty on the Raja, his heirs, and successors; but does not, in my judgement, confer a right, on failure of heirs natural, to create an heir by adoption. Admitting, however, the reverse, for the sake of argument, to render such an adoption valid, as far as relates to succession to the state according to the immemorial and almost universally admitted custom of India, the confirmation and sanction of the paramount authority of India is essential.

Para 6 of the Hon. Mr. Clerk's minute

10. The question of the right of the princes and chiefs to secure the succession to their estates by adoption has of late been much discussed, and I had occasion to allude to it at some length in my minute of the 6th September last, on the dispute which has been lately settled between the Rajpoot principalities of Edur and Ahmednugger. I think it was then satisfactorily established, that the "consent of the suzerain or lord paramount is indispensable to the validity of an adoption involving succession to a principality, jageer, surinjam, or even enams." In support of this position, I cited proofs to show that this practice prevails throughout this presidency, and, as far as I could ascertain, throughout India. It certainly prevails in the states of Gwalior, Indore, Bhopaul, Nagpore, Mehidpore, and in Bundlekund and Rajpootana. My information is principally derived from a report of Mr. Hart, Enam Commissioner in the Southern Maharatta country, dated the 27 March 1847, in which is embodied the result of a reference on the subject to the different residents of the native states of India.

Vide paras 15,60, and 69, and notes to paras 125 and 126 of that minute.

11. The practice prevailed at Sattara itself, and I am at a loss to conceive on what

plea it can be contended that Sattara should now be exempted from the general rule. In 1819, it was the policy of the day to confer that sovereignty on a particular family, but in the absence of any stipulation to the contrary, the gift cannot, in opposition to universal custom, be conveyed to another by adoption without the sanction of the power from whom the gift proceeded. In the language of the Honourable Court, our sanction is requisite, "not indeed to the validity of the adoption, or to the private rights which it confers, but to enable the adopted son to succeed to the chiefship." Neither the adoption by the late Raja of Sattara, nor that by the ex-Raja of Sattara at Benares, could convey political rights. It may be admitted that they possessed the right to adopt, but this can only affect the succession to private property. In support of this may be cited the celebrated case which occured at Baroda in 1819. Radhabace, the widow of Futteh Sing Guicowar, was permitted to adopt, but her adopted son did not succeed to the musnud. The brother of the deceased prince succeeded, and after a reign of 22 years, was a few months ago succeeded by his eldest son. Radhabace's adopted son was entitled to nothing beyond the private property of his adoptive parents.

Despatch from the Honourable Court of Directors on the Mandavee case, dated 30 Dec. 1842.

12. In fact, the custom of the sanction of the lord paramount being essential to the validity of adoptions, conveying sovereign and territorial rights, is so ancient and extensive throughout India as to have the effect of law, and the reason of the custom is obvious. It was the practice of former Governments to make extensive grants of land, either hereditarily or for life, as the reward of good service, or to favourities, at the caprice of the prince. Thence the enormous alienations of the public revenue which are found to exist in every part of India, the extent of which was alone checked by the power of resumption, at the caprice of the prince, or more frequently often on failure of heirs, the grant in the latter instance being sometimes continued on payment of a large *nuzerana* or relief. We have invariably respected these alienations, except on failure of heirs, when resumption has been the rule and a continuance of the grant the exception. The following opinion, recorded in 1831 by one of the ablest and most experienced judicial officers of the presidency, may be cited in support of the view above taken. "An adoption therefore thus once established cannot be set aside; but it cannot convey property in which another has interest, such as the relation of the ruling authority, in respect to rights and properties, which, failing a real son of a jageerdar, would escheat to it; for such right which would fall to the state, the consent of the state is essential." This opinion was pronounced as a judge of the Sudder Adawlut, the other judges of the Court only so far differing from Mr. Anderson that they considered that the fact which he assumed as a matter of course, or perhaps from personal knowledge of circumstances, would, in the event of trial, require proof by evidence that Government has a right to prevent adoptions where its own interests are concerned. At the same time, they were of opinion that until the point had by some means been decided in the negative, Government need not give up the right by refraining from the exercise of any prerogative.

Mr. Anderson.

Registrar's letters to Mr. Secretary Willoughby, dated 11 April 1831 and accompaniments.

13. On this occasion the Government of Lord Clare resolved "to continue to grant or to withhold its permission to adopt according to circumstances," and such has always been the practice of this presidency. It does not appear to me that the proceedings of Government in regard to the exercise of this prerogative have been so capricious and inconsistent as is

"Mr Secretary Bar's letter, dated 28 April 1831.

supposed by our late honourable President. It is usual to decide each case on its merits, according to the principles prescribed by the Honourable Court of Directors in their despatches quoted in the margin. The nature of those may be gathered from the following extracts:—"We there stated it to be our wish, that wherever the tenure of the estate and the custom of previous Governments are such that the refusal of your permission to adopt would be considered an act of harshness, still more when it would be considered an injury, the permission should be given, but otherwise not, unless as a reward, merited either by special services or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty not to violate any express or constructive right, nor to defeat any just expectation; but when your refusal to recognize an adoption would not have any such effect, we are not disposed to renounce our prospective claims of Government, unless when the chief or family in whose favour the renunciation is solicited may have deserved reward at our hands, and when this mode of conferring it is most eligible in respect of the interests of all parties, including both the Government and the inhabitants of the Jagheer." And on another occasion, when repeating these orders, the Honourable Court observed: "On the whole, therefore, we are unable to frame any more precise direction for your guidance in such cases than that, wherever it is optional with you to give or withhold your consent to adoptions, that indulgence should be the exception, not the rule, and should never be granted but as a special mark of favour and approbation."

Vide his Minute p. 29.

11 June 1834
26 September
17 Nov. 1841
26 Oct. 1842
5 Feb. 1845
18 March:—
23 Dec. 1846.

Honourable Court's letter, dated 11 June 1834. Do. dated 26 Sept. 1834.

14. On the above principles, on failure of heirs natural, permission to adopt has been refused in the cases of the petty states of Colaba and Mandavee, and of the jageers of Nipanee, Chinchnee, Sonee, and others of minor importance in the Deccan and Southern Mahratta country, which have in consequence become incorporated into the general sovereignty. On the other hand, as exceptions to the general rule, the chief of Sanglee, though still alone, has for his loyalty and attachment to the British Government been allowed to adopt a son, and an adopted son has been allowed to succeed to the Jumkhundee jagheer on the death of its former chief, "who, from his uniform loyalty, and the good administration of his jagheer, had the strongest claims to that indulgence." The four instances of adoption alluded to in the 16th paragraph of our late honourable President's minute were not sanctioned on the same principles. The parties adopting stood nearly in the same relation to the Raja of Sattara as the latter did to us. They were his vassals, and when he, as their suzerain sanctioned the adoptions, the British Government when applied to as suzerain over all, did not deem it expedient to withhold its confirmation.

Honourable Court's despatch, dated 17 Nov. 1841.

15. With one important exception the opinions of most of the distinguished men who have of late years been connected with the administration of India, at all events those which have passed under my observation, are in conformity with the rules laid down by the Honourable Court; that is, they are, one general system, adverse to adoptions, except as relates to private property. The last I have seen was recently recorded by Mr. Hamilton, the present able Resident at Holkar's Court. The exception was the late Sir John Malcolm, who I admit is a great authority, for in ability, experience, and an ardent desire for the welfare of this country,

In a letter to the Government of India.

this distinguished man had but few equals. His views on the expediency of sanctioning adoptions as a system, and making them a source of revenue by the levy, on all occasions, of *nuzeranas** or reliefs, are well known ; but they have not received that general acceptance which has been accorded to the generality of the principles he advocated for the future government of India. The views of this distinguished man were opposed by Lord Clare, his successor, in an able minute ; and it was, I believe, on a consideration of the arguments adduced on both sides, that the Honourable Court of Directors issued their instructions on the subject.

* They are recorded in an elaborate Minute, dated 10 th June 1828, and were dissented from by the Honourable Court in their despatch dated 5th September 1832. Dated 18 Feb. 1833.

16. The experience which has subsequently been gained is certainly not in favour of the system advocated by Sir John Malcolm. The social evils resulting from adoptions are forcibly depicted in the following extract from a minute, recorded by another Governor of this presidency, under date the 12th August 1845:—

Sir G. Arthur.

"The dissensions which exist between the chief of Tasgoan and his adoptive mother, strongly illustrate the evils of adoptions and the wisdom of not permitting them, except under the circumstances prescribed by the Honourable Court of Directors. So long as the adopted son is a minor, all proceeds, outwardly, smoothly enough. The estate is managed by the agents of the former chief, under the general guidance of the widow who adopts ; all, however, taking good care to enrich themselves, to the great detriment of the interests of the future chief. When, however, the chief arrives at the age of manhood, a struggle for power ensues. The fictitious union existing between the parties is dissolved, and jealousy and heartburnings are engendered, terminating, as in the present instance, in a deadly feud."

17. A more striking exemplification of the evils above referred to is afforded in the dissensions in the family of Dowlut Rao Scindia. On the death of this chief his widow, her highness Baiza Bace, adopted a son, and continued to exercise regal powers for some years, until at last a struggle for the supremacy occured between them, terminating in 1833, in the adopted son being proclaimed sovereign, his mother being obliged to seek an asylum in British territory. This chief dying on the 7th February 1843, another adoption was allowed; and the political evils resulting therefrom, and a violent collision with the British Government, terminating only in war and bloodshed, are of too recent an occurence to require to be dwelt upon. These are strong facts in support of those who are of opinion that the annoyance by adoptions of sovereign and territorial rights ought in the present state of India to be discouraged as much as possible, and that all fair lapses should be annexed to the British Indian empire when no absolute right will thereby be violated. The existence of so many sovereignties and chiefships, interspersed with our own territory, is in many ways inimical to good Government and to the welfare and prosperity of the people ; and if this is admitted, it follows that on every fair occasion their number ought to be diminished.

Thornton's History of British India Vol. 6 p. 467.

18. Although, however, I concur with those who are opposed to adoptions on principle, I should be very glad to see a relaxation from that maxim of our rule in India which is hostile to the acquisition of property in the soil. I should like to see rent-free estates created throughout the country, either by grants conferred in perpetuity, or long leases, on those who have conspicuously distinguished themselves in the service of the state, and such grants might occasionally be substituted for the pecuniary pensions at present awarded. I should also like to see a system, gradually introduced, of allowing, in the

first instance, on a limited scale, and under such rules as would secure the rights of all parties possessing an interest in the soil, the redemption of the land tax now paid to Government. The creation of rent-free estates by these means would, I think, be a vast benefit to India, and would develop its resources far more effectually and expeditiously than can be expected so long as the Government shall continue the landlord of the whole country.

"The best of all workmen is he who works for himself. Thus the enterprise of an individual, when well directed and ably sustained, will generally be found to exceed that of the state or of incorporated communities. The economy of the man who is to reap the whole profit of a venture, his keenness, vigour, and spirit are unconquerable. His daring is commensurate with his gain; he stands unequalled, because others have divided interests, and he but one." I hope I shall be pardoned this allusion to a very large question, which is not I conceive altogether irrelevant to the subject under discussion.

19. I conclude it will not be contended that the British Government does not stand in the relation of lord paramount to the Sattara state. If this, however, be disputed it can be maintained, I conceive, on three separate grounds; 1st, as successors to the Emperors of Delhi; 2nd, as successors to the Peishwas, the *de facto* rulers* of the Mahrattas; and 3rd, as the granters of the territory of which the Sattara state is composed. On each of these grounds I conceive we are entitled to claim all the prerogatives of suzerain, one of which I have shown is to grant or withhold permission to adopt. And as regards the first it may be observed that although Sevajee's empire was extorted by force of arms, he sought for, and obtained imperial grants from Delhi, in confirmation of his conquests. Having now the power to exercise the prerogative which the imperial house of Delhi would have exercised in the days of its vigour, it devolves on the British Government to determine, in default of heirs whether those grants† shall be renewed or not; I consider, however, the third ground, or that we ourselves created the sovereignty now to be disposed of, may perhaps be still more relied upon in support of this prerogative.

Vide Grant Duff's History of the Mahrattas, Vol 1, p. 150, and note.

20. And we possess the clearest evidence that the late Raja of Sattara was well aware that the sanction of the British Government was essential to ensure to his adopted son the succession to the Sattara state. This knowledge is indicated not only by his own application for permission to adopt but also by his assertion that the alleged adoption of a child by the ex-Raja at Benares was illegal, because it had not received the sanction of Government. During the interview with the Resident, five days before his demise, when discussing the subject of adoption, the Raja observed, "It would probably take a long time to get an answer to his *yad* regarding the adoption; that should he, in the meantime, feel his end approaching, he would be compelled to adopt, leaving the recognition of the adop-

Vide memorandum accompanying the Residents letter, dated 3 April 1848

* They became so in A. D. 1749, under a real or pretended grant from the fourth Raja of Sattara: "From this period the Paishwas have been considered the sovereigns of the empire; negotiated with as such by other powers, and obeyed by the chiefs and princes, the Raja being subjected to an honourable and not very rigid confinement in the fortress of Sattara." *Colonel Sutherland's sketches of our Relations with the Native states of India p* 162.

† The late Raja, at his interview with the Resident, five days before his death, produced "the sunnuds relating to the grant by the Delhi emperors of the Sirdeshmookee, and other wuttuns and royal rights."—*Vide* Mr. Frere's *Report, dated 3d April* 1848.

Letter from the Resident, dated 8 April 1848

tion to the generosity of Government." At the same interview he requested "that the ex-Raja's supposed adoption of a son at Benares should on no account be recognized," and in the memorandum containing his last wishes, he wrote still more explicitly as follows:

"We have heard that the late ex-Raja Purtab Sing Maharaja has adopted a boy, the son born to the late Bulwant Row Bhonslay Waweekur, on the road to Benares. As to this, that boy was not adopted by the advice of the British Government, nor by that of this Government; consequently that boy cannot be received here. Wherefore if that boy or any person on his behalf should make a claim, it should not be admitted by the British Government."

21. I have observed that the late Raja possessed no rights, except those which are conferred upon him by the treaties of 1819 and 1839, and that these do not confer the right of continuing the Sattara state in his family by adoption. On the contrary, he was well aware that at the time of his being seated on the musnud, the question of perpetuating the state by adoption was designedly left for future consideration. On the above occasion, the late Sir J. Carnac, in a minute dated the 4th September 1839, recorded as follows:

"Neither the Raja about to be deposed, nor his brother who is to be substituted in his place have any children, and at their advanced period of life it is not very likely that they will hereafter have any; and I know of no other party who can claim the succession by hereditary right. It follows, therefore, that on the demise of the new raja the Sattara state would lapse to the British Government, unless indeed it shall be then judged expedient to allow this line of princes to be continued by the Hindoo custom of adoption; a question which should be left entirely open for consideration when the event on which it depends shall actually occur."

22. With reference to the 15th paragraph of Mr. Frere's letter of the 8th ultimo, pointing out a difference between the English and Mahratta versions of the treaty of 1819, I do not think that either, by the most forced construction, can be held to empower the late Raja to adopt a son and heir without the consent of the British Government. Admitting, however, the reverse, I must maintain, that for the true construction of any doubtful point in the Treaty of 1819, the English, and not the Mahratta or Persian version, must be referred to, for this if for no other reason, that by that treaty the British Government were bestowing as a free gift what it had a perfect right to grant or withhold. Under such circumstances we surely had a full right to prescribe our own terms for the gifts; and if these are contested, the language of the grantor, and not that of the grantee, must be the guide. I have no doubt from the circumstances under which this treaty was entered into, it was first drawn up in the English language, and then translated from it into the native languages.

Vide letter to the Resident in Cutch, dated 13 Feb. 1843

Vide Mr. Secretary Currie's letter, dated

23. There are precedents, moreover, in support of this view of the case. In 1843, on a point being raised respecting the true construction of our treaty with Cutch, it was determined that, as we had entered Cutch as belligerents, and were in a position to dictate our own terms, the language of the party who concluded it (Captain Macmurdo) must be held to indicate what were the real intentions of the contracting parties. In like manner a discussion occured in 1846, on the correct interpretation of an article of our

19 June 1846, and the paras, to which it relates.

treaty with the Baroda state, the Bombay Government interpreting it according to the English, and His Highness the Guicowar according to the Mahratta version. The question was referred to the Governor General of India, when his Lordship "concurred with the Government of Bombay that the English and not the Mahratta is the authoritative version of the treaty of 1805;" and this decision was afterwards concurred in by the Honourable Court of Directors.

Vide despatch to Bombay Government, dated 23 June 1847, para 5.

Vide para 28 of our late honourable President's minute.

24. On this point, therefore, I entirely concur in Mr. Reid's remarks in the 5th and 6th paragraphs of his minute. No argument can fairly be drawn in favour of the adoption made by the late Raja, from the words introduced into the Mahratta, and not to be found in the English version of the treaty. There is no reason, therefore, in the present instance, why we should be overreached, and pay the penalty of allowing ambiguous phrases to be introduced by able vakeels, relying on their talents to turn them to account on the occurrence of a favourable opportunity.

25. I now proceed to consider, second, on the supposition that the late Raja of Sattara did not possess the power to transfer the Sattara state to a child adopted, without the sanction of the paramount Government, from whom he himself received that state, are we called upon, or is it expedient, to recognise the child so adopted, and continue in his favour the Sattara sovereignty? The decision of this question must depend on military, financial, or political considerations, singly or combined.

26. The two first may be dismissed in a very few words. I cannot concur in the opinion our late honourable President has recorded, that a native state, like that of Sattara, can be a source of strength to the British Government; but, on the contrary, I can imagine various contingencies under which it might become a source of great weakness. In a military point of view, the recognition of the adoption cannot, I think, be recommended; for it will scarcely be contended, even by those most favourable to recognition on other grounds, that it is desirable that a small native state should be interposed nearly midway between two of the principal divisions of the army of this presidency, viz. those of Poona and Belgaum, with the power, if the will existed, of partially interrupting our communications with the Concan.

Para 18 of minute

27. Neither can it be said that in the present state of the finances of India, recognition of the adoption can be recommended on financial grounds. With an annual deficit during the years mentioned in the margin* of nearly a million and a half sterling in the revenues of British India generally, and with an estimated deficit for the year 1848–49 in the revenues of this presidency, and Scind in particular, very nearly amounting to £. 700,000, it cannot with truth be said that the ultimate reversion into the general exchequer of India of a revenue which may hereafter vary from £. 120,000 to £. 140,000 is of no importance. I say ultimate reversion, since for many years to come a considerable portion of the present revenue of the Sattara territory would be absorbed in the provision which ought justly to be assigned to the late Raja's family, and to all who possessed a claim or were dependent on that state. These should, in fact, be regulated on the

* 1843-44, 1844-45, 1845-46. According to a Return made to the House of Commons, on the 20th December 1847, "of the Revenue and Expenses of India for the last Three years."

Vide Accountant General's Report, dated 19 January 1848, No 61.

Vide in particular Appendix, pp. 18 and 19, to the Bombay edition.

same liberal principles as were adopted by the Honourable Mr. Elphinstone in his settlement of the territories conquered from the Peishwa, and which will be found detailed at length in his report, dated the 25th October 1819, and which was afterwards printed by Government.

28. If, therefore, it is conceded that the recognition of the adoption is unadvisable on military and financial considerations, it can only be supported on grounds of state policy; and here I would first remark, that even in 1818 the policy of creating the Sattara sovereignty was by some disputed, notwithstanding the forcible reasons urged in favour of the measure by the eminent person by whom it originated. I find the following reasons were assigned in favour of the arrangement. "The advantages that principally weighed in favour of giving his highness a territory, were his popularity with the Mahrattas, and the asylum which his government would afford to presons unwilling to serve us;" counter-balanced, however, Mr. Elphinstone admits, by two corresponding evils, "the influence which the Raja may be expected to possess among his nation, and the concourse of disaffected persons likely to assemble at Sattara."

Appendix to the Hon. Mr. Elphinstone's Report, p. 1, dated 25 October 1819.

Vide also Grant Duff's History of the Mahrattas, Vol. 3, p. 439.

29. The question, therefore, now arises whether after a lapse of 30 years we are likely to derive the same advantages as were anticipated by Mr. Elphinstone, and whether they are of sufficient moment to render it expedient that the Sattara state should be reconstituted for the benefit of a boy hitherto brought up in obscurity, and of whose existence we were not aware until he was adopted by the late Raja. Admitting that Mr. Elphinstone's reasons may still be urged, it cannot be denied that their original force has by the lapse of time become much diminished. It was Mr. Elphinstone's avowed policy, and the Sattara treaty was framed accordingly "most carefully to destroy all connexion between the Raja and the Mahrattas not subject to his authority." It is not probable, therefore, all intercourse and connexion between Sattara and the other Mahratta states of India having long since ceased, that the decision of the question at issue will create any but a local interest. The annexation of the Sattara state to the Anglo-Indian empire will be necessarily felt by all who have been in any way connected with it, and the measure will be unpopular among the old Brhminical and Mharatta families who possessed influence and power under the Paishwa's rule; but beyond this the question will most probably be regarded with indifference.

30. Mr. Reid has very correctly observed, that had the late Raja left a son, no question could have arisen of the entire right of such son to succeed to the musnud. The case, however, becomes very different when we have to consider the expediency of bestowing that musnud on a boy possessing no personal claims, who has been brought up in poverty and seclusion, of whose capacity and disposition we know nothing, of whose probable fitness for rule no judgement can at present be formed, and who owes his good fortune of having been selected for adoption, not to any superiority of claim over that of other members of Sevajee's descendants, but to the lucky accident of his being on the spot at Sattara at the period of the late Raja's demise. "Up to an hour or two (observes Mr. Frere) before the adoption, there appears to have been no thought of selecting this boy."

See also para. 3, of our late honourable Resident's Minutes.

31. It will not, I think, be contended that the Sattara family possess any strong personal claims on the favour and generosity of Government, beyond an assignment of the most liberal provision for their future support. I will not be deterred by the unjust reflections which have been cast upon the Commission of 1836, of which, contrary to my own desire* I was appointed a member, from asserting my solemn conviction that the ex-Raja of Sattara did engage in intrigues against the British Government, and that he did violate the 5th Article of the treaty of 1819, an Article which was expressly declared to be the fundamental condition of agreement, a departure from which would involve the forfeiture of all the advantages it secured to him. His ambitious views and disposition to intrigue did not escape the notice of the able officer who was the first appointed Resident of Sattara. His intrigues with Goa were known to another Resident† several years before the formation of the conspiracy by which his advocates assert his destruction was accomplished.

Vide Printed Collection of Treaties, p. 294.

† Major-general Briggs.

Lastly, a third Resident, who has since become one of his most strenuous supporters, guided by the knowledge he possessed of the ex-Raja's character, predicted, 10 years before the event, his ultimate downfall in the precise manner in which it has occured. "He is, however, (observed Major-general Briggs on the 1st January 1827—and a prophecy cannot be too often repeated in reply to those who, in the sacred name of justice, have endeavoured to asperse the character of honourable men for having conscientiously discharged a painful and invidious duty) "tenacious of his prerogative, and will every day more and more resent our control. He has lately been flattered by those around him into an enormous estimate of his own importance, and he has already evinced strong inclinations to extend his connexions beyond the limits assigned by treaty. It will be fortunate, perhaps, for His Highness if events afford the Government an early opportunity to give him timely warning of the danger he is incurring, or I should be very apprehensive that he may succeed in involving himself in secret communications with those who may, at some future period, provoke the resentment of Government, when it is likely a development of a system of intrigue with His Highness will take place, which will altogether shake our confidence and may lead to his ultimate ruin." The Major General, instead of being grateful to those who have proved the wisdom and sagacity of his prediction, has thought proper to join in the hue and cry which the ex-Raja's gold has raised against the men who brought his intrigues to light. To say the least, his inconsistency is remarkable with respect to the ex-Raja's deposal; I regard it as his own suicidal act. The authorities, both in India and England, were anxious to save him from the consequences of his intrigues; but trusting to the agency he had established in both countries, he fell, not according to the gloss given by his advocates, because he felt indignant at being required to sign a confession of his guilt, but because his ambitious spirit could not brook being again subjected to the provisions of the treaty of 1819. When that treaty was proffered by Sir James Carnac for his acceptance, this misguided prince in my presence declined it with the observation, that it would reduce him to the condition of a mamlatdar. I could write much more on this subject, but I will only add that, in the opinion of all who believe with me in

* I have still in my possession a letter from the late lamented Sir R. Grant, in reply to a request I had preferred to be exempted from the duty.

† Captain Grant Duff. *Vide* his *History of the Mahrattaas*, Vol. 3, p. 483; and *Colonel Sutherland's Sketches of our Relations with the Native States of India* pp. 163,164.

the existence of the intrigues imputed to the ex-Raja, they will not be held to strengthen the claims of his family to anything that can with justice and propriety be withheld, or to support the policy of perpetuating the Sattara sovereignty, now that it has become extinct by default of heirs natural.

32. Entertaining these views, it seems to me that the question at issue ought to be determined on a consideration of the broad principle of what is likely to be most conducive to the interests of the empire at large; what will be the best for British India, and the people of India generally. Those who regard the native states of India as safety-valves for the discontented, and for particular classes of persons for whom it is difficult to find employment under our rule, will probably decide on the expediency of re-creating the Sattara state in favour of the adopted child, on the principle that it is wise to perpetuate the native states of India still remaining, notwithstanding the anarchy and misrule, the oppression and injustice, which is too often found to prevail in their administration, and of which we have a melancholy instance close at hand in the adjecent territories of the Nizam. Those, on the other hand, who concur with Lord Auckland's Government, that we should abandon no just and honourable accession of territory and revenue, while all existing claims of right are at the same time scrupulously respected, and are at the same time of opinion that British rule should on every fair occasion be extended, under the strongest conviction that no government "exists of which the intentions are purer, or which, on the whole, has done more to extend civilization and promote the happiness of the human species," will no doubt take the opposite view of the question, and determine in virtue of our prerogatives as lords paramount not to confirm the adoption, when, as a necessary consequence, in the absence of an heir and successor to the late Raja, the Sattara territory will revert to the general sovereignty.

Recent speech of the Right Hon. T. B. Macaulay.

33. In the event, however, of the first opinion prevailing, and it is resolved to submit to all the evils of a long minority, to govern Sattara through a regency, at the head of which must be the Resident, then I should entirely concur with our late honourable President and with Mr. Reid, that the adopted child of the late Raja of Sattara, the last possessor of the musnud, has an undoubted claim to be recognised in preference to all other candidates for the succession. In this case, our right to levy nuzerana, according to the rules in force in this part of India, ought not to be relinquished, and immediate measures should be adopted for the proper education and instruction of the child who is destined to become the future ruler of the Sattara state.

34. Just as I am concluding this Minute, the last debate in Parliament on the Sattara question, as reported in the *London Times* of the 7th ultimo, has come under my observation. The following extract from the speech of Mr. Lewis, Secretary to the Board of Control, and therefore no doubt derived from official and authentic sources, entirely confirms the account I have given of the former condition of the Rajas of Sattara, and of the circumstances under which the Raja deposed in 1839 was through the spontaneous generosity of the British Government raised from the condition of a captive to a throne:—

Vide para 9.

"It is perfectly well known that Sattara was a portion of the Mahratta empire, and that the Peishwa, and not the Raja, was the head of that state. The Raja was a mere state prisoner, and was allowed half a lac of rupees, or £. 5,000 a year, and when the Peishwa

surrendered to Sir. J. Malcolm,* the Raja was released by the English troops, and by a most fortunate accident his life was saved. There was, in fact, nothing in authentic history which showed that the Raja ever possessed any substantial power.

In 1818, Mr. Elphinstone thought it would be politic to assign as a mere bounty, and as a voluntary act on the part of the British Government, a small sovereignty to the Raja of Sattara. There prevailed a difference of opinion at the time on the subject, and it was agreed that the Raja should be placed on trial, and be invested with a provisional sovereignty of Sattara. He was accordingly put in possession of the state, but in entire subordination to the British Goverment, and it was stipulated that all his political relations were to be subservient to British authority. It was agreed that the British Government should cede the sovereignty to the Raja of Sattara. (Hear, hear!) Yes; but it was at the same time stated that the territory belonged to the British Government; the Raja was to hold it in subordination to the British power, and to be guided in all matters by the advice of the British Agent Resident at His Highness's Court. The Raja also engaged to himself and his successors to forbear from all intercourse with foreign powers. The Marquis of Hastings was the Governor-General who made the arrangements with respect to Sattara, and in a paper written by him during the voyage home from India, his Lordship gave a summary of the transaction, in which it was stated that to the Raja of Sattara an independent territory had been assigned out of the late Peishwa's possessions; that he had a large revenue competent to the maintenance of considerable pomp; that this was an extraordinary change in the position of one who used to be kept in strict custody by Bajee Rao, who gave orders to his (the Raja's) escort to put him and his family to death on any probability of his being delivered from captivity, and which orders were only prevented from being carried into execution by a sudden attack made by the British troops, who rescued the Raja from the Peishwa Bajee Rao."

59. *Minute by Lord Dalhousie, Governor-General of India, for the annexation of our sovereignty, dated the 30th August* 1848, *and published in Parliamentary Papers relative to the Raja of Sattara, sections* 1—42 *pp.* 80—84.

(*Extract No.* 22.)

ENCLOSURES IN INDIA FOREIGN LETTER, 6TH SEPTEMBER.

(No. 55) 1848.

Minute by the Right Honourable the Governor-General of India, dated 30 August 1848.

THE RAJ OF SATTARA.

1. The death of His Highness Shreemunt Maharaj, the sovereign of Sattara, has rendered it necessary for the British Government to determine the important question, whether the state of Sattara shall be continued as an independent sovereignty, or whether it shall be held to have lapsed to the paramount state, and shall henceforth form an integral portion of the British empire in India.

2. The minutes of Sir George Clerk, the late Governor of Bombay and his colleagues in Council, Mr. Reid and Mr. Willoughby, have been for some time befor us.

* This is either a mistake of the speaker or of the reporter. The raja was released on the field of battle at Ashtah, and his family from the Fort of Wassotar. *Vide* Grant Duff's *History of the Mahrattas, vol.* 3, *pp.* 445 and 481.

I deferred, however, submitting the question for the consideration of the Supreme Government until I should have received the Minute of the present Governor of Bombay, Viscount Falkland, who had intimated his intention of expressing his opinion upon it. His Lordship's minute has now arrived, and I lose no time in bringing the subject under the notice of the Council, in order that the opinions of the Government of India may be transmitted with as little delay as possible to the Honourable Court of Directors by whom a final decision can be given.

3. After a careful consideration of the many documents which relate to the Sattara state, as well as of those more immediately before us; and after deliberate review of the various arguments which have been fully and ably stated by the several members of the Government of Bombay, I am clearly of opinion that the death of His Highness Shreemunt Maharaj, without heirs natural, having rendered the throne of Sattara vacant, that territory should be held, in accordance with practice and with law, to have lapsed to the paramount state, and should henceforth be incorporated with the British territories in India.

4. In the minutes of the members of the Government of Bombay, the whole facts of the case are so clearly set forth, and every argument is so fully treated; that I feel it to be unnecessary to enter at any great length into the discussion of this question; I shall rather endeavour to state as concisely as I can the conclusions at which I have arrived, and the reasons on which they are founded, referring to the minutes in question for the more detailed statement of the arguments in which I have expressed my concurrence.

5. His Highness Shreemunt Maharaj has died, leaving no heirs natural, but having, in accordance with Hindoo custom, adopted one of his kinsmen as his heir a few hours before his death.

6. The questions for decision are:

1st. Is the British Government bound, as a matter of justice and of right, to recognise the boy thus adopted as being actually the successor of the late raja, and heir to the throne of Sattara?

2nd. If not as a matter of justice and of right, ought the British Government to approve of the succession of this boy, as a matter of wisdom and sound policy?

7. If the late Raja had left an heir of his own body, no question could have been entertained of the perfect right of such heir to succeed to the throne. It is equally clear, I think, that the boy who has been adopted by the late Raja, in justice, and as his right, ought to succeed as heir to the personal and private property of the prince who adopted him. But I think that Mr. Willoughby has proved to demonstration in his minute, that the boy has not, by reason of the ceremonial of adoption, acquired any right whatever to the sovereignty, until the adoption has been ratified and confirmed by the British Government as the lord paramount of the state of Sattara; and further, that the British Government is not bound, as a matter of justice and of right, to confirm the adoption, but is free to give or to withhold its ratification as it may think right.

8. I hold it to be established as a general rule, beyond cavil or doubt, in the papers now before us, that while adoption by a prince of any individual is valid, so far as to constitute him heir to the adopter's private possessions, it is of no power or effect whatever in constituting him heir to the principality, or to sovereign rights, until the adoption so made has received the sanction of the sovereign power, with whom it rests to give or to refuse it

Mr. Willoughby's Minute para 10.

9. This appears to have ever been the practice throughout all the states of India. It has been frequently acted upon heretofore by the Government of the Honourable Company, by whom the sanction asked has sometimes been given and sometimes withheld. Their proceedings have received the approval of the Court, who declared that our sanction is necessary, "not indeed to the validity of the adoption or to the private rights which it confers, but to enable the adopted son to succeed to the chiefship."

30 Dec. 1842.

10. Abundant proofs will be found in the papers laid before Parliament relative to the affairs of Sattara, that that power has always itself recognised and contended for the principle, that on the death of the holder of a fief without issue, it rested with the sovereign authority to decide whether he would annex the territory to his own possessions or permit adoption.

P. 26,27,41, & 8. 61 & 42, 82.

There is evidence equally direct, that the rule has ever been regarded as applicable to the destination of the state of Sattara itself.

11. Thus, in discussing the state of the Raj in 1839, the Governor of Bombay, Sir J. Carnac, after describing himself "as a strong and earnest advocate for upholding the native states of India," goes on to observe, "neither the Raja about to be deposed, nor his brother, who is to be substituted in his place, have any children, and at their advanced period of life it is not very likely that they will hereafter have any, and I know of no other party who can claim the succession by hereditary right. It follows, therefore, that on the demise of the new Raja, the Sattara state would lapse to the British Government, unless indeed it shall be then judged expedient to allow this line of princes to be continued by the Hindoo custom of adoption; a question which should be left entirely open for consideration, when the event on which it depends shall actualy occur.

Sir J. Carnac's Minute, 4 Sept. 1839, p. 309 & 26.

12. Sir James Carnac held it to be a point without doubt that the raj would lapse to the British Government, and that it was for the British Government alone to say whether it would allow its continuance by adoption, or whether it would not. This view was in no degree repudiated by the state of Sattara. The vakeels of the ex-Raja, in their letter to the Court of Directors, advert to these expressions of the Government of Bombay, in which they say, he "holds out (by not allowing the present ruler of Sattara an adoption) the almost immediate prospect of a large increase to your territorial revenue as a boon for the confirmation and indemnity of his conduct." They give vent to their own dissatisfaction at Sir J. Carnac's proceedings, but they never for a moment call in question the correctness of his statements as to the occurrence of a lapse or dispute, his right of not allowing an adoption."

8 February 1841, p. 109.

13. Lastly, it was fully admitted by the late Raja himself, that the sanction of the British Government was necessary in order to render his adoption valid. He frequently applied for permission to adopt; his last request to the Resident was, to obtain a "recognition" of the adoption he contemplated making, and he relied on the absence of that recognition, on the part of the British Government, as fatal to any claim which might be set up by the adopted son of the late ex-Raja at Benares.

Resident at Sattara, 3rd April 1848, 8 April 1848 Mr. Willoughby's Minute p. 20.

14. It is on these grounds that I found my conviction, that the British Government is not bound as a matter of justice and right, to recognise this boy as actually the heir

to the sovereignty of Sattara, but is free in this case, as it has been in others, to confer or to refuse its sanction as it may think fit.

15. This power it possesses by virtue of its authority as the sovereign state over Sattara, a position which it holds equally as the successor of the emperors of Delhi, as the successor by conquest of the Peishwas the virtual sovereigns of the Rajas of Sattara, and lastly, especially, as the creator of the raj of Sattara under the treaty of 1819.

16. It was under the clauses of that treaty that the present raj was called into existence by an exercise of the power of generosity of the British Government. All the ordinary rights, therefore, possessed by a sovereign over a subordinate and long constituted state must, from the very nature of the case, have been stronger in this instance than in any other. I can find nothing whatever in the terms of the treaty which would justify the assumption that it was intended to curtail those rights, or to confer larger powers in respect of adoption on the Raja of Sattara than are enjoyed by old established states. The words, "heirs and successors," must be read in their ordinary [illegible] they are employed in other treaties between states. And sense, in the sense in which [illegible] or reasonable presumption, founded on known facts, or in the absence of all evidence [illegible] English instrument in favour of a wider interpretation, on some special wording of the [illegible] to secure to the Rajas of Sattara any other than the those words cannot be construed [illegible] to grant to them the right of adopting successors to the succession of heirs natural, or [illegible] sovereign state which may be given, or may be withheld, and which, by ordinary and [illegible] invariable practice, is necessary to the validity of such an act of adoption by the prince.

17. Having thus stated the grounds [illegible] of the conclusion I have formed, that the Raja of Sattara had not, either by the terms of the treaty, or by any rule of law or practice, the right to adopt a successor to his raj, and that the British Government is not bound, as a matter of justice and right, to recognize the boy His Highness named as actually his successor in the raj, I proceed to set forth the considerations which have induced me to form an opinion not less decided, that we ought not to recognize this successor as a matter of expediency and policy, but that we ought to regard the territory of Sattara as lapsed, and should incorporate it at once with the British dominions in India

18. However wise the policy may have been which led to the creation of the state of Sattara in 1819, and however strong the reasons which induced the government at that period to establish anew a Mahratta state on that side of India, I venture to think that the same reasons do not exist for its continuance now.

19. The power of the Mahrattas, at that period still formidable, is no longer a source of anxiety to us; the territories of the Peishwa have for 30 years remained tranquilly in our possession; the supremacy of the British Government has year by year become more firmly established. Scindia and Holkar have, in the course of events, been effectually reduced to harmlessness, and there is now no reason, as there formerly was, to apprehend the formation of alarming confederacies among Mahratta chiefs, nor any necessity for maintaining, as a counterpoise, the nominal sovereignty of the house of Sevajee.

20. The assumption of the raj by the British Government will cause no ferment or discontent among other native powers, though it must of necessity be obnoxious to the pride and to the feelings of those who have lived and held influence within its bounds.

21. While, therefore, I do not presume to dispute the wisdom of creating the raj of Sattara in 1819, I conceive that the same reasons do not prevail for its reconstitution now, when it is again placed by events at our disposal.

22. I am unable to admit the force of the argument advanced by Sir G. Clerk for its continuance, which is founded on the happy and prosperous condition of the state, and the just and praise-worthy government of the late Raja.

23. These indeed would be strong arguments for its continuance if the late Raja were yet alive, or if it could be shown that the excellence of his administration arose, not from his own personal qualities, but from the nature of the institutions of the state, by which the dispositions of the sovereign would always be guided or compelled into an observance of the rules of good government; but if the excellence of his government proceeded only from the excellence of his own disposition, I find in that fact no argument for the continuance of his sovereignty to others, whose disposition may differ widely from those so happily displayed by His Highness, and whose administrations may be as conspicuous for oppression and misrule as that of Shreemunt Maharaj has been for wisdom and mildness.

24. While I find no sufficient reasons for the reconstitution of Sattara, either in the considerations which led to the original formation of its government, or in the manner in which that government has lately been administered, I conceive that many powerful arguments may be adduced in favour of its ceasing to be a separate state, and being resumed as a portion of the British territories.

25. I take this fitting occasion of recording my strong and deliberate opinion, that, in the exercise of a wise and sound policy, the British Government is bound not to put aside or to neglect such rightful opportunities of acquiring territory or revenue as may from time to time present themselves; whether they arise from the lapse of subordinate states, by the failure of all heirs of every description whatsoever, or from the failure of heirs natural, where the succession can be sustained only by the sanction of the Government being given to the ceremony of adoption according to Hindoo law.

26. The Government is bound, in duty as well as in policy, to act on every such occasion with the purest integrity, and in the most scrupulous observance of good faith. Where even a shadow of doubt can be shown, the claim should at once be abandoned.

27. But where the right to territory, by lapse, is clear, the Government is bound to take that which is justly and legally its due, and to extend to that territory the benefits of our sovereignty, present and prospective.

28. In like manner, while I would not seek to lay down any inflexible rule with respect to adoption, I hold that, on all occasions, where heirs natural shall fail, the territory should be made to lapse, and adoption should not be permitted, excepting in those cases in which some strong political reason may render it expedient to depart from this general rule.

29. There may be conflict of opinion as to the advantage or the propriety of extending our already vast possessions beyond their present limits. No man can more sincerely deprecate than I do any extension of the frontiers of our territory which can be avoided, or which may not become indispensably necessary, from considerations of our own safety, and of the maintenance of the tranquillity of our provinces. But I cannot conceive it possible for any one to dispute the policy of taking advantage of every just opportunity which presents itself for consolidating the territories that already belong to us, by taking possession of states which may lapse in the midst of them; for thus getting rid of these petty intervening principalities, which may be made a means of annoyance, but which can never, I venture to think, be a source of strength, for adding to the resources of the public

treasury, and for extending the uniform application of our system of government to those whose best interests, we sincerely believe, will be promoted thereby.

30. Such is the general principle, that, in my humble opinion, ought to guide the conduct of the British Government in its disposal of independent states, where there has been total failure of all heirs whatsoever, or where permission is asked to continue, by adoption a succession which fails in the natural line.

31. It would be difficult to imagine a case to which the rule founded on this general principle would be more closely applicable than to the Raj of Sattara.

32. The territories lie in the very heart of our own possessions. They are interposed between the two principal military stations in the presidency of Bombay; and are at least calculated, in the hands of an independent sovereign, to form an obstacle to safe communication and combined military movement. The district is fertile, and the revenue productive [illegible] population, accustomed for some time to regular and peaceful [illegible]ment, and the people themselves and prepared for the regular Government our Govern[illegible]are tranquil [illegible]uld involve.
possession of the territory wo[illegible]

33. By incorporating Satta[illegible]ra with our own possessions, we should acquire continuity of military communicatio[illegible]n, and increase to the revenues of the state; we should obtain uniformity of administratio[illegible]n in matters of justice and of revenue over a large additional tract; and, in my conscie[illegible]nce, I believe, we should ensure to the population of the state a perpetuity of that just a[illegible]nd mild Government which they have lately enjoyed, but which they will hold by a poor[illegible] and uncertain tenure indeed if we resolve now to continue the Raj, and to deliver it over [illegible]to the Government of a boy brought up in obscurity, selected for adoption almost by cha[illegible]nce, and of whose character and qualities nothing whatever was known to the Raja[illegible] who adopted him; nothing whatever is known to us.

34. Firmly convinced, then, that we are not bound [illegible]by law or practice, or treaty to recognise as being actually the heir to his throne the boy whom the Raja has adopted, I am of opinion that every consideration, as well of the interests of the people of Sattara as of the British Government, should lead us to incorporate that state with the British territories; and I recommend that measure accordingly.

35. An ample provision should be made for the Ranees of the late Raja and his retainers, according to their respective claims, as well as for the foundling whom he so specially recommended to our protection.

36. The boy whom he adopted should at once be allowed to succeed to all private property, and to every thing excepting public rights.

If this provision should not be sufficient for him, a stipend should be allowed to him from the revenues of the state.

37. I would also strongly recommend as a measure of sound policy, that provision should be made, from the revenues of Sattara, for the boy adopted by the late ex-Raja at Benares.

38. He has no claims whatever on the throne of Sattara; his adoption, even if it had received the sanction of the British Government, which it has not, would not have conferred on him any claim of that nature. Pertabsing could not convey to the boy, by adoption, any rights which did not belong to himself. He had been stripped of his rights of sovereignty when deposed from his throne and banished from his kingdom, consequently he could convey no such rights of sovereignty to the boy. Nevertheless, if

the Raj be resumed discontented spirits may arise, and some may be found mad enough to become his partizans hereafter; I therefore think it would be politic, I will even say it would be only fair, regard being had as well to his position as to his near relationship to the late and ex-rajas, that some provision should be made for his maintenance.

39. Allowances should also be made to such deserving servants of the state as may appear to be entitled to that favour; and changes in the administration should be introduced gradually and tenderly.

40. The widow of the ex-Raja has at her disposal her allowance, whenever she chooses to receive it, which hitherto she has refused to do.

41. The daughter has also her allowance, and will return to Sattara after the rains.

42. The amount of the stipends, which should all be for life only, may with all other details, be left for future arrangement.

30 *August* 1848.

(Signed) DALHOUSIE.

60. Minutes of the Hon'ble Mr. Millet and Major General Sir Littler are us follows:—

a. Minute by the Hon'ble Mr. Millet dated 6th September 1848, *published in the Parliamentary Papers relative to the Raja of Sattara paras* 1—8 *pp.* 84—85.

(*Extract No.* 23.)

The Minutes received from the Government of Bombay and that of the Governor-general have exhausted this very important subject, and I shall therefore confine myself to a brief record of my opinion upon it.

2. It is to my mind clearly established as a constitutional principle, that an adoption gives no title to succession to a sovereignty or principality, unless recognised and confirmed by the paramount power; and that the paramount power is unfettered in the exercise of its discretion to grant or withhold that confirmation, save by the dictates of a sound policy as applicable to the circumstances of each particular case.

3. There is nothing in the treaty of 1819 to warrant the inference that the British Government intended to waive this prerogative in the case of the Sattara state. No reference is made to the right of adoption in the correspondence of the time; but the supremacy of the British Government is therein insisted on as a point of vital importance. As respects the treaty of 1839, we have the explicit declaration of the Governor of Bombay, by whom it was made, that no such intention was entertained by him. The late Raja admitted the principle, the late ex-Raja did not deny it, and the Sattara state acted upon it in its dealings with its own dependencies.

4. On the general question of annexation I agree with those who think that when, by the failure of heirs natural in the families of native princes or chiefs, we acquire a title to territory on which no shadow of doubt rests, it is wise and politic to take the benefit of it, unless in any case special reasons exist for pursuing a different course. We bear an unequal burthen in having to provide for the general defence and security of the country, whilst a very large portion of its revenues remain at the disposal of others, and the intersection of our territories by many native states, interferes with measures of general improvement. I believe it to be for the best interests of the people that

our direct administration should gradually extend itself over the whole country comprised within the bounds of British India; for even under the most favourable circumstances the benefits of native rule are transient, dependant upon the personal qualities of the reigning prince, without security for the future.

5. In the particular case before us, the considerations which in 1818 led to the creation of the state of Sattara, no longer exist, or operate with greatly diminished force; whilst on political, military, and financial grounds there are now strong reasons for adopting an opposite course. The assumption of the country by us will affect injuriously only local interests. The old and respectable families connected with the durbar will lament the extinction of the dynasty of Sevajee and feel the loss of influence and employment, and the cessation of the expenditure occasioned by the presence of a native Court will affect the industrious classes in the city and its neighbourhood. These are among the immediate evils attendant upon all great changes, and however, much to be regretted, cannot be avoided.

6 I agree with the Governor-General that it is expedient to resume the Sattara territory and annex it to our own.

7. I concur in the propositions contained in the 35th, 36th and 39th paragraphs of his Minute, regarding a provision for the Ranees and retainers of the late Raja, and the foundling he commended to our care for his adopted son, if the private property to which he is entitled prove insufficient, and for the deserving servants of the state, and that the changes in the administration should be introduced gradually and tenderly.

8. I also think, for the reasons stated in the 37th and 38th paragraphs, that it will be politic to allow a provision for the adopted son of the ex-Raja, whose claim to succeed to the raj is of course inadmissible.

b. Minute by Major General Sir J. H. Littler dated 5th September 1848 *and published in the Parliamentary Papers relative to the Raja of Sattara pages* 85—86.

(*Extract No.* 24.)

The subject of the Sattara succession has been already so ably discussed in all its bearings, and such powerful arguments adduced in opposition to the adopted son's claim to inherit the sovereignty, that I have little more to add than to express my concurrence in what has been advanced.

In 1839 the elder branch of the late Raja's family, with whom the treaty of 1819 had been contracted, was deposed for an infringement of his engagements, and for other reasons which the Government of India deemed of sufficient importance to direct his removal to Benares.

His brother, the late Raja, who recently died at Sattara, left no issue, but a few hours previous to his death he adopted a youth distantly connected with the family as his heir, the rite of adoption is in strict accordance with Hindoo law and usuage, and fully recognised by the British Government.

The ceremony was duly performed at the suggestion and under the advice of the Bramins, by which proceeding it obtained a religious character, and invested the adopted son with a title to the inheritance of the private rights and property of the deceased. Doubts, however, are now entertained, and I think very justly, of the right the boy possesses, under this adoption, to succeed to the sovereignty of the Sattara territory.

To render such claim to a principality by adoption, valid, the sanction of the paramount authority is, by established Custom of the Country, indispensable.

That sanction has not been obtained, nor should it, I think, in the present instance be granted, for the reasons assigned by the Governor-General, and in the other minutes submitted.

As the Government holds the right to confirm, they have also the full power to withhold their sanction. Should it be ultimately decided that the adopted son of the late Raja shall succeed to the sovereignty of the Sattara territory, as suggested by Sir G. Clerk, I am not aware that any practical inconvenience would result, in a military point of view, from its being situated between two of our divisions.

As a general rule, however, the absorption of small independent principalities, which happen to be surrounded by our territories, will not always, in my opinion, tend to augment our power; on the contrary, it appears to me that such a policy would be apt to weaken it (except in special cases), by extending the British possessions beyond the limits to which our supervision could be safely and effectually afforded.

61. *Despatch from the Court of Directors to the Government of India annexing the sovereignty of Sattara dated 24th January 1849 published in Parliamentary Papers relative to the Raja of Sattara paras 1—11 pages 8—9.*

(*Extract No. 25.*)

Para 1. We have received your letter in the Foreign Department, dated 6th September (No. 55) 1848, communicating the sentiments of the several members of your Government on the question of the disposal of the Sattara state in consequence of the death of the late Raja.

Secret Letters, Dated 20 May (No. 41) 1848. 29 Aug. (No. 65) 1848. 15 September (No. 81) 1848. 16 October (No. 87) 1848.

2. The letters enumerated in the margin from the Bombay Government, on the same subject, have also been communicated to us by the Secret Committee.

3. The late Raja died without issue, but adopted, a few hours previous to his death, a boy distantly related to his family.

4. The adoption, it is presumed, is valid in respect to the private property of the Raja. The question is whether the adopted son should be permitted to succeed to the principality of Sattara.

5. This subject has been maturely considered, first, by two successive Governments of Bombay, and afterwards by you, and most of the members both of your Government and of that of Bombay have recorded their sentiments in Minutes, which have been transmitted to us.

6. The questions for consideration are, first, whether we are bound by treaty or other positive obligation to allow the transmission of the Sattara Raj to adopted heirs; and secondly, assuming that we are free from any such obligation, whether such transmission would be expedient.

7. Sir George Clerk has expressed on both these questions an opinion in the affirmative. The negative is maintained by his colleagues Mr. Reid and Mr. Willoughby, his successor Viscount Falkland, and by your Government, the Governor-General and

two members of Council having recorded that opinion in minutes. Sir T. H. Maddock, being absent from the presidency, has not expressed his sentiments on the subject.

8. We have read these various papers with the greatest attention, and have weighed all the considerations set forth in them with a deep sense of responsibility. The result of our deliberation is that concurring with you in opinion, we are fully satisfied, that by the general law and custom of India, a dependent principality, like that of Sattara, cannot pass to an adopted heir without the consent of the paramount power; that we are under no pledge, direct or constructive, to give such consent; and that the general interests committed to our charge are best consulted by withholding it.

9. The pretensions set up in favour of the adopted son of the ex-Raja being wholly untenable, and all claims of collaterals being excluded by the fact that none of them are descended from the person in whose favour the principality was created, the ex-Raja Pertaub Shean, it follows that the territory of Sattara has lapsed by failure of heirs to the power which bestowed it, and we desire that it be annexed to the British dominions.

10. You will issue such instructions to the Bombay Government as may cause this decision to be carried into effect in the manner least adverse to existing interests and feelings. A liberal provision will of course be made for the relatives and dependents of the late Raja, including the adopted son, if the private property of the deceased should not be of such amount as to render an additional provision superfluous. We agree with you that a stipend should also be assigned to the youth who was adopted by the ex-Raja. The condition of the many persons who will be losers in emolument and dignity by the change of government also merits your benevolent consideration, and it should be your object to avail yourselves of the same persons for public employment (when competent, and so far as their services are required), who were employed under the Raja.

11. We shall expect from you an early report of the measures adopted in pursuance of these instructions.

We are, &c.

(Signed.)

J. A. Lushington.
A. Galloway.
C. Mills.
J. Cotton.
R. Jenkins.
E. Macnaghten.
W. H. C. Plowden.
J. Masterman.
J. P. Muspratt.
H. Shank.
F. Warden.
M. T. Smith.
H. Alexander.

62. When in the House of Commons which met on 1st. August 1849 a petition signed by a number of the citizens of London against the annexation of Sattara was presented by Mr. Joseph Hume M. P. stigmatizing the act as a measure of spoliation and rapacity, Sir J. Hobhouse replying to Mr. Hume in a speech marked by selfish and unjust motives said:—

a. (*Extract No. 26.*)

(Sir J. Hobhouse) "that the order of the Court of Directors of which his honourable friend complained, and which had been confirmed by the Board of Control,

viz, the order to assume the territories of Sattara, left England on the 24th of January last; so that, if it had been the wish of his honourable friend to prevent that order being immediately acted upon, it was surely his duty to have called the attention of Parliament to it as soon as possible after its meeting in February last, in order that no time might be lost in counteracting its wicked intention. But his honourable friend had not done so. He (Sir J. Hobhouse) had been in his place throughout the session ready to answer the honourable Gentleman, and give him any explanation he required. It was no fault of his, therefore, that this transaction had not sooner been brought under the notice of the house. As his honourable friend on this occasion had not entered at large into the consideration of the question, he (Sir J. Hobhouse) should not feel it necessary to take up so much of the time of the house as otherwise he should have felt compelled to do. But he could not avoid noticing shortly one or two assertions of his honourable friend which appeared to him to have no just foundation, and which he was at a loss to understand how a gentleman so thoroughly acquainted with Indian affairs as his honourable friend was could have fallen into. His honourable friend asserted that this was a case in which there had been an interference with religious liberty. When he heard him make that assertion, he thought he must be listening to some debate about the Test Acts, or something of that kind; but his honourable friend afterwards went on to explain that the religious liberty which had been infringed was the religious liberty of the Hindoos, in making an adopted son the heir and successor of a deceased sovereign. He (Sir J. Hobhouse) was perfectly aware, that since this transaction had come before the public a notion had got abroad that in India there was no such thing as a paramount state; that the British power did not succeed the power it crushed and afterwards become paramount, and that an Indian sovereign in that situation had a right to adopt heirs to his sovereignty as well as to his personal property. Now, he had never heard this doctrine before. He begged to say, also, that last year, when his honourable friend (Mr. Hume), accompanied by a number of other Gentlemen, waited upon him at the Board of Control with reference to this subject, not one of them advanced that doctrine. (Hear, hear.) He could read to the house quotation after quotation from the best authorities, showing how unfounded the doctrine was; but, as his honourable friend had abstained from reading authorities, he should think it unpardonable in him not to follow so wise an example. His honourable friend had referred to Mr. Elphinstone's opinion; but he had the candour to state what entirely deprived him of its authority, namely, that Mr. Elphinstone declined to give any opinion as to the question of adoption. His honourable friend evidently wished the house to infer, from the part of the letter which he read, that Mr. Elphinstone was of opinion that the adoption was as valid with reference to the sovereignty as to personal property; but it was not to be supposed, if this had been Mr. Elphinstone's opinion, he would have shrunk from saying so. He said nothing about it, however; he declined to give any opinion whatever. He merely said that the territory was settled upon the Rajah and "his heirs and successors," in the natural sense of those words. But the question was, were there any heirs and successors? His honourable friend said there were. He (Sir J. Hobhouse) as boldly said there were not. What was the case with respect to the treaty of 1819? We had crushed a great power in India, and, having completely crushed it, the question came to be, whether we should take the territory belonging to that power and place a sovereign over it in subordination to us? That course was adopted. The Rajah (Pertaub Singh) himself, in one of the documents sent to this country a few years ago, freely made the distinction between an independent prince and a prince in his own condition, and admitted that he was merely the creation of the

British power. (Hear, hear.) With reference to the question of annexation, he (Sir J. Hobhouse) found that Lord Auckland was decidedly in favour of it, even at the time that Pertaub Singh was deposed. Lord Dalhousie, the present Governor-General was also in favour of it, and so was the Governor of Bombay. In the Court of Directors 19 were in favour of it, and only five against, and the result of a poll of the Court of Proprietors had shown that 297 were in favour of annexation, and 96 against it. This was all the authority the Government could want, and yet his honourable friend came down to the House of Commons, and asked them to step in and suspend the order for annexation, the fact being that the order had already been executed, and could not be suspended. (Hear, hear.) But supposing, by some accident, that the House of Commons did pass the resolution which his honourable friend had proposed, did his honourable friend imagine that it could have the least effect, either upon the East India Company, or upon the Governor-General of India? It certainly would not. (Hear, hear.) So long as the Court of Directors and other constituted authorities had the Government of India vested in them, this was exactly one of the acts for which they must be left responsible. Many might question the policy of annexation, but in such matters the voice of a majority must decide. They acted by a majority in that and the other house of Parliament, and they did so also in the case of public meetings. Her Majesty's Government, then, having all the authorities he had mentioned on one side, and a small minority on the other, what could they do? [Mr. Hume,—"Do justice,"] Well, suppose they had done justice according to his honourable friend's view of it, and confirmed the adoption of the Benares boy, would that have contented the dissentient directors? (Hear.) Neither Mr. Tucker nor any of the other dissentient directors had urged the claims of the Benares boy; so that would not have satisfied them; neither would their recognition of the boy adopted by Appa Sahib (the late Rajah) have given satisfaction. But his honourable friend said there were collateral heirs. This assumed, however, that they ought to recognize the heirs of the house of Sivajee, whereas he contended that they could recognize none except those of the sovereign first nominated under the treaty of 1819. He did not think it necessary to comment upon the hard terms which his honourable friend had used against the East India Company. The terms "robbers and spoliators," and such like, proved nothing except that his honourable friend was so very much in earnest that he could hardly weigh the merits of the question." * * *

b. Another view in favour of annexation was expressed by Mr. Ross Donnelly Mangles, a member of the Court of Directors, afterwards published in the Parliamentary Papers relative to the Raja of Sattara pp. 145-151 from which a considerable part is extracted below as the whole was not available:

(*Extract No.* 27.)

1. The death of Appa Sahib, the Raja of Sattara, leaving no heir of his body, but having adopted a son shortly before his decease, has imposed upon the British Government the necessity of choosing between the three courses open to it on such a conjuncture; namely that it should recognise the late raja's act of adoption, as conveying not merely his personal rights and property (as of course it does, if the rite have been conducted in conformity with Hindoo law and custom, as prevailing among the Mahrattas,) but succession also to

the sovereignty conferred upon him by the treaty of 1839; or secondly, that it should set aside the adoption in favour of the late raja's next of kin; or, thirdly that it should re-annex the territory of Sattara to the dominions of the Company.

As a preliminary step, we must determine whether we are indeed free to decide the questions before us by considerations of policy, or whether our course is peremptorily dictated by justice and good faith—, a point entirely dependent upon the nature of the relations established by the treaty of 1819 (with which that of 1839 tallies in all essential respects), between the British Government of India and the prince on whom it then conferred, of its mere bounty, "a sovereignty sufficient for the maintenance of his family in comfort and dignity."

2. By the first article of the treaty, the British Government agreed "to cede in perpetual sovereignty to the Raja of Sattara, his heirs and successors, certain specified districts. If we stopped here, in examining the matter under consideration, the question at issue would hardly admit of a difference of opinion.

If the Raja were created a sovereign, in the ordinary acceptation of the term, he was unquestionably competent to adopt a successor to his royal rights, as well as an heir of his personal property; for it is freely admitted that the circumstance that the setting up of the Raja was absolutely gratuitous on the part of the British Government, confers in itself, no right arbitrarily to revoke the gift.

3. But the limitations and restrictions under which the Raja was placed by the succeeding articles of the treaty (so comprehensive and stringent as not to leave him the freedom of action enjoyed by the humblest individual in a private sphere of life), appear to qualify most materially the sense which, according to all fair rules of construction, as applied to an entire instrument, we ought to attach to the terms in question.

4. A sovereign who is not only bound "to hold the territory" assigned to him "in subordinate co-operation with the British Government" (for that condition is common to our treaties with Rajpoot and other princes of a far higher order), but who engages "to be guided in all matters by the advice of the British agent at his court;" "at no time to increase or diminish the military force without the previous knowledge and consent of the British Government;" "to forbear from all intercourse with foreign powers, and with all Sirdars, Jagheerdars, Chiefs and Ministers and all persons of whatever description," other than his immediate subjects; "to have no connection or correspondence" with such parties, "any affairs that may arise with them relative to his highness," being "exclusively conducted by the British Government;" and whoever "for the purpose of forming matrimonial connections for his family" is tied down, under the penalty of the forfeiture of all the advantages conferred on him by the treaty,* to communicate "entirely through the Political Agent;" such a person, though he may be called a sovereign, is manifestly a mere instrument, set up to answer certain political ends, but never intended to be a free agent, or to have a will at variance with the interests of the power which created him. The true key to the interpretation of the contradictory expressions no doubt is, that it was intended to make the Raja a sovereign *quoad* his subjects (though even as regards them he was bound to

Article II.
Article IV.
Article V.

* It is annexed to Article 5, quoted in the text. "This article is a fundamental condition of the present agreement, and any departure from it, on the Raja's part, shall subject him to the loss of all the advantages he may gain by the said agreement."

"at all times to attend to the advice which the British Political Agent shall offer him for
Article VI. the good of his state"), but to keep him in complete subjection to the paramount authority of the British Government in every other relation.

5. This view of the purport and spirit of the treaty is strongly corroborated by the correspondence of the eminent statesman by whom it was advised and framed, and of the Government which sanctioned it. In the instructions for the settlement of the country wrested from the Peishwa by the Marquis of Hastings to Mr. Mountstuart Elphinstone, on the 15th December 1817, it is laid down that "provision in land is to be made eventually for the Raja of Sattara. The provision for the Raja of Sattara may be made, either by an assignment of land in jagheer, or by establishing him in a small and compact sovereignty, under such stipulations as shall secure the supremacy of the British Government. You will decide between these two arrangements," &c. &c. These instructions were forwarded by Mr. Elphinstone to his assistant, Captain Grant, for execution, with the elucidation cited;† and his proceedings in this respect received the sanction of the Governor-General in the following terms, quoted from Mr. Secretary Adam's letter of the 14th July 1818: "The course pointed out in your instructions to Captain Grant; of taking possession in the first instance of the whole country in the name of the British Government; and the other measures directed to the assumption and maintenance of the supremacy of that Government, are entirely approved. This object must be kept in mind in all the arrangements connected with the establishment of this state, and the Raja must be taught to understand the true nature of his relations with the British Government." Finally, for it is needless to multiply quotations to the same effect, Lord Hastings in giving to the Secret Commitee under date the 21st. August 1820, a narrative of the events which had taken place at Poonah, speaks thus of his proceedings in the matter under review: "I also authorised at that period the eventual assignment of a provision in lands for the Raja of Sattara, as a Jagheer, or the establishment of a small and compact sovereignty, under such stipulations as might be required for upholding our supremacy. The choice between the two arrangements was confided to Mr. Elphinstone's discretion and experience, my object being simply to secure the conciliation of the Mahratta tribes to the new order of things, and to effect a counterpoise to the remaining influence of the former Brahminical Government. Circumstances preponderated in favour of the Raja's elevation to sovereign station; and on his person coming into our possession, he was restored to the nominal rank of the former princes of his fallen house, and placed at the head of the Government of a limited, yet handsome territory."

6. Such being the views with which the British Government invested Pertanb Sing, the brother of the late Raja, with "the nominal rank of the former princes of his fallen house"; "setting him up," in the significant language of Mr. Elphinstone, as a "machine to

† "For the effectual attainment of these objects, it is necessary to gain the Raja's good-will, and at the same time the Governor-General's commands, and our own security, require the firm establishment of the supremacy of the British Government, unless those points are secured, the machine we are setting up will be liable to be turned against us, and the release of the Raja of Sattara may prolong the disturbances occasioned by the Peishwa's treachery."

* * * * *

"It will be proper to impress on them (the inhabitants), as well as on the Raja, that it is not intended to revive, even in name, the empire of Sevajee, but to create for the Raja a new State, the limits of which will be hereafter fixed by His Excellency the Governor-General. You will no doubt be careful to do this in the manner least offensive to the Raja's feelings, and least injurious to his dignity; but it is of the utmost consequence that the design should be clearly understood."

subserve the political purposes mentioned by Lord Hastings in the foregoing passage; and such the stringent stipulations under which those views were carried out, it does not appear to be necessary to enter in this case upon the consideration of the abstract question, whether the British Government have, or have not, succeeded to the position formerly held by the Mahomedan emperors or by the head of the Mahratta empire, and whether as the representative of one or the other of those potentates, or simply as possessing undoubtedly paramount power in Hindoostan, that Government be authorized to exercise, in relation to the immediate rulers of the more or less dependent states of the Peninsula, powers analogous to those exercised by suzereins under the feudal system. It is quite certain that those powers have been practically exercised by the British Government in frequent instances, both in sanctioning and in refusing to sanction adoptions; and that, too, not merely in regard to principalities of minor importance, such as Colaba, Mandavee, and Bhopal, but even with respect to the families of Scindiah and Holkar, sovereign princes of a very different order from the Raja of Sattara. In Holkar's case, indeed the Governor-General passing over two nominees of the "widow of Jeswant Rao Holkar, the head of the family and of the regency," placed a third party on the throne, which he "determined that he should occupy, not by virtue of an adoption, but avowedly by the nomination of the British Government," which further "limited the succession to lineal heirs, to the exclusion of adoption." But it is clear that whatever may be our relations, in theory or practice, to other principalities, whether those of long hereditary descent, or those more recently acquired by the sword of the ancestors of their present possessors, the state of Sattara (being not merely the creature of our will in its original establishment, but having been jealously retained in absolute subjection to the British Government by an agreement of a far more strict and shackling character than has been, as far as I am aware, at any time imposed by the Company upon any tributary or conquered prince),* can have no pretence for claiming exemption from such authority, as, according to the usage of the country, may justly be exercised at the discretion of the paramount power in relation to the holder of a derivative or subject dependency.

7. I have taken pains to establish this position of the dependency of Sattara upon the British Government by what appear to me conclusive proofs, because upon that point absolutely hinges the question, whether that Government possess the right to be consulted in respect to the adoption of a son by the late Raja, and to give or to withhold, at its discretion, its consent to that measure. If dependency be proved, the right in question appertains to the superior power as a necessary consequence; for as far as I can learn, this right has been universally exercised by all paramount authorities throught India, and emphatically by Mahratta rulers. The late Raja of Sattara and his predecessor exercised this right in relation to the jagheerdars dependent upon them. The Punt Suchew, one of the most considerable of that body, and the most favoured by the British Government, in consequence of his having been the first

* What the first Raja of Sattara, under the treaty of 1819, thought of the absolute dependency in which the treaty placed him, is evidenced not merely by his almost immediate struggles against its stringent provisions (for which we have the authority of Captain Grant, General Briggs, and others), but by his refusal in 1839, to "bind himself strictly, and in good faith, to act up literally to all the articles" of it. "I am convinced," wrote Sir James Carnac "that it was the first of my conditions," (that the Raja should bind himself as above)," which was the most unpalatable to his Highness and the chief bar to his assent; for to it his objections appeared to be chiefly directed at our several interviews, for he asserted that he refused to sign the original treaty from which it is taken, three different times, and significantly remarked to the Resident, that assenting to it would reduce him to the condition of Mamlutdar (manager or farmer) of a district."

to abandon the Peishwa, having remonstrated against this prerogative, as claimed by the Raja, was informed by Mr. Elphinstone himself, in August 1827, "that although you and your heirs are to hold your jagheer on certain stipulated terms, yet that, on a total failure of heirs, it must revert to His Highness the Raja, and that if his highness allows it to be continued in such case by adoption or otherwise, His Highness is at liberty to attach what conditions he pleases to the permission." As another case in point, it will be remembered, that in the recent instance of Christna Rao, whose father by adoption, had received a grant of a Nemnook from the Guicowar (the sunud conferring which was couched in quite as strong terms, as respects the hereditary descent in perpetuity as our agreement of 1819 with the Raja of Sattara), although there has been great diversity of opinion, both in this country and in India, as to the manner in which the claim ought to be disposed of, the right of the Guicowar to put a limit to his own grant, by refusing to recognise the adoption continuing the family of the grantee, as far as succession to the Nemnook is concerned, has been admitted by all.

8. Were the facts and arguments already adduced all the ground available for the formation of a judgment upon the question, whether the British Government possess discretionary power to ratify, or not to ratify, the adoption of a son by the late Raja, *quoad* succession to the sovereignty of Sattara, as created by the treaties of 1819 and 1839, there is sufficient proof to support the affirmative of the proposition. But, happily, the case is not left to rest exclusively upon abstract reasoning, however cogent and satisfactory. There is particular evidence to show, positively, what was the animus of one of the contracting parties in 1839, in regard to the very point under discusion; and there is also abundant implication to satisfy my mind that the other party to the treaty of that year thoroughly understood, and accepted the position in which it was intended to place him in that respect. In 1819 nothing was said, as far as I can find, upon the subject of succession by adoption, for the obvious reason that the Raja, upon whom the boon of a sovereignty was then conferred, was a young man about 20 years of age," with two younger brothers; and it could not have been expected that all the three should die without leaving a son. But in 1839 the state of things was very different. The Raja, who had been "set up" in 1819, had been deposed for the breach of the engagements under which the sovereignty was conferred upon him; and only one of his brothers survived, and he died childless, at an age verging upon 40. The question, therefore, of succession by adoption naturally forced itself upon the consideration of the Government of Bombay, by which, as an act of grace, equally free and gratuitous with that of 1819 (for the gift of that year had been absolutely forfeited by the deposed Raja, under article V of the treaty above quoted), a new grant of sovereignty was extended to the last surviving descendant of Sevajee; and the Governor, Sir James Carnac, thus expressed himself upon the subject: "Finally, I have been supported, in the view I have taken of this case, by the consideration that if it is deemed erroneous by the superior authorities, who will have to judge of it, the course of events will, in all human probability, afford a fair opportunity in a few years of rectifying what may be deemed erroneous. Neither the Raja about to be deposed, nor his brother, who is to be substituted in his place, have any children, and at their advanced period of life it is not very likely that they will hereafter have any who can claim the succession by hereditary right. It follows, therefore, that on the demise of the new Raja, the Sattara State would lapse to the British Government, unless, indeed, it shall be then judged expedient to allow this line of princes to be continued by the Hin-

See Mr. Elphinstone's letter to the Marquis of Hastings, dated 5 March 1819.

doo custom of adoption, a question which should be left entirely open for consideration when the event on which it depends shall actually occur." The recent correspondence of the Resident at Sattara (Mr. Frere) showing that the late Raja expressed, upon repeated occasions, his anxiety that the British Government should refuse its sanction to the adoption made by the ex-Raja at Benares, and that it should permit him to adopt a son and successor to the Raj, clearly proves that he was quite aware that the relations in which he stood to that authority were such as to render any adoption that he might make (*quoad* succession in his public capacity) invalid without its sanction.

9. All these considerations show that no obligations of justice exist to interfere with the free exercise of its discretion by the British Government in regard to giving or refusing to give its sanction to the adoption of a successor by the late Raja. It only remains to clear away a misconception upon which it has been attempted to build an "argumentum ad misericordiam" in aid of a claim of right. It is said that the right of adoption is a sacred privilege of a Hindoo, to whose spiritual welfare it is essential that he should leave a son for the performance of his funeral obsequies, and of the religious rites attendant thereon. This is quite true; and the late Raja, when he adopted a son for these purposes, and as the heir of his private property, exercised an unquestionable right, common, according to the laws of their religion, and the rules of their respective nations and castes, to prince and peasant. But it is by no means necessary to the spiritual ends in question that the adopted son should succeed to a kingdom; and whether he shall so succeed is in fact the sole question at issue.

10. Still postponing the question of policy as to the whole question under discussion, I proceed to consider whether, supposing the claim of the adopted son of the late Raja to be set aside, his next of kin is justly entitled to the sovereignty of Sattara. This question appears to admit of a very easy solution. The tenor of the correspondence between Mr. Elphinstone and the Marquis of Hastings, which resulted in the conclusion of the treaty of 1819, shows that the whole object of that arrangement was to place the undoubted descendant of Sevajee, the founder of the Mahratta empire, in such a position as to effect the "conciliation of the tribe of Mahrattas to the new order of things, and the establishment of a counterpoise to the remaining influence of the former Brahmin Government;" and in pursuance of this line of policy, it is stated in the preamble of the treaty that the "consideration" for the investiture of the Raja was the "antiquity of the house of His Highness." What that house was in Mr. Elphinstone's mind is evident from the passage quoted in the margin from his letter to the Governor-General, dated 25 October 1819.* But for an adoption which took place in A. D. 1777, "the real line of Sevajee," would then, it appears, have been extinct; and assuredly no other branch of the family could lay claim to "antiquity," in the historical sense of the word, as used in the preamble to the treaty, seeing that they are all sprung, as far as I am aware, from a great uncle of Sevajee's, and were separated from the stock, which that extraordinary man afterwards illustrated, at a time when it occupied a humble position among petty Mahratta land-holders. Neither have, or had, these very remote collateral relations of Sevajee any hold upon Mahratta feelings or associations, which it was the sole object of Mr. Elphinstone's policy to enlist

Mr. Secretary Adam to Mr. Mountstuart Elphinstone, dated 15 Dec. 1817.

* "Afterwards the death of Sahoo Raja, his successor remained a close prisoner in Sattara. He was the son of Sevajee, son of Rajaram, and in him the real line of Sevajee became extinct, for on his death in 1779, he was succeeded by Jahoo, his adopted son, who was born of a remote branch of the family, and had been a common horseman."

on behalf of the proceedings of the British Government. And if there were no reference to the distant collateral branches in the arrangements of 1819, it is still clearer that there was none in 1839, from which year alone the late Raja's title dates; Because the passage above quoted from Sir James Carnac's Minute, as showing that he considered "that at the demise of the new Raja the Sattara state would lapse to the British Government, unless, indeed, it shall be then judged expedient to allow this line of princes to be continued by the Hindoo custom of adoption," proves still more conclusively that he regarded any claims that might be set up by the Raja's next of kin as altogether undeserving consideration. Acordingly I observe that the authorities in India, but especially Mr. Willoughby, Lord Falkland, and the Governor-General, give their judjment "that the death of His Highness Shreemunt Maharaj, without heirs natural, has rendered the throne of Sattara, vacant." For although there exist parties not very distantly related by blood to the late Raja, yet his father having been adopted into the line of Sevajee, as stated by Mr. Elphinstone, he became, according to Hindoo law and custom, as absolutely a son of that family as if he had been born in it, and no otherwise related to the stock from which he actually sprung than as Sevajee and the ancestor of that stock were descended from a common great grand-father.

Minute by Lord Dalhousie para 3.

II. Having thus shown that neither the adopted son, nor the next kin of the late Raja of Sattara, has any valid claim upon the British Government, in respect to succession to the sovereignty of that State, on the score of justice, the question of policy remains to be examined. But although it has been endeavoured to argue the former branch of the subject, as if the question at issue were a judicial one, between man and man, I am by no means prepared to admit that in the Government of a great country what is properly called policy, meaning thereby a wise and honest regard to the general good, can always be postponed to the claims, though abstractedly just, of an individual or of a minority. In public affairs, however anxiously we may desire to do justice, it is often extremely difficult even to devise in speculation, far more to take in practice, any course which shall equally benefit all the parties concerned. It is frequently even impossible, from the nature of things to settle a political question, although in the best way that circumstances admit of, without doing what may be termed, and be felt as, injustice to some individuals or bodies. And this is a difficulty which besets the British Government of India at least as often, and with as much embarrassment, as any other rulers in the world, because they have so frequently to weigh the conflicting claims to consideration of princes and people both depending on their protection, and both calling for their intervention. But the case, immediately domanding our decision is, happily, one in which there is less real danger of our being tempted by views of political aggrandizement to transgress our duty in that respect, than in almost any instance of equal importance that has ever occurred, or is likly to occur in any part of our Indian empire. The peculiarity of the present case is that it is very difficult to say who has any right to put in a claim on the score of justice and who would be wronged by the rejection of the claim, either of the adopted son, or of the next of kin, or of both. The gravamen of political injustice ordinarily is, that some person is ousted from a present possession, or deprived of a future advantage, which he has long built upon, and might reasonably expect to enjoy. In the case of Sattara, there is no such party. The late Raja not only died childless, but he had no near relation; and it appears that he cared so little for those more remotely connected with him, that no one was encouraged to expect to succeed him, and that shortly before his death, he

wished to adopt a foundling child. When the impropriety of that step was pointed out to him, he selected, but not till he was almost "in extremis," a child of one of his distant relatives (not, it appears, the individual that he wished to have but the one nearest at hand), and the child so chosen, or rather his parents, were so little expecting such an honor (though the Raja was known to be dying, and to have made no adoption) that the boy could not in the first instance, be found when he was wanted to go through the necessary ceremonies. Moreover, the family and followers of the late Raja have been distinctly informed, from the very first moment, that they must not count upon the sanction of the British Government to the adoption. Now, assuredly the setting aside of claims to a sovereignty no better founded than those above described, is not an act of injustice, in that sense, that all considerations of policy are to be made to give way before the fear of committing it. On the contrary, we are bound to weigh in such a care, not merely the pretensions of this or that Mahratta boy to succeed to a throne as little expected as if it had been the gift of a fairy in a nursery tale, nor to regard exclusively the advantages which a few courtiers, or shop-keepers, would lose by the cessation of a disproportionate local expenditure; but to take into consideration the interests of the whole British empire in India, and to guard ourselves at least as carefully against the influence of the fear of being charged with wrong doing, as against any temptation from ambition to do wrong.

12. Looking at the matter in this point of view, it appears that all the motives which led Mr. Elphinstone and the Marquis of Hastings to establish the state of Sattara, and which are happily on record for our guidance on this occasion, though wise and politic, as might well be expected, at the time, have long since ceased to operate, or have lost, at least, almost all their force. The generation of intriguing courtiers and of turbulent and restless soldiers, whose characters had been formed by a lifetime of revolution in the palace or camp, and of warfare in the field, and by traditions of still wilder times, when their fathers were successfully struggling against the Mahomedan power, and founding kingdoms in every quarter of India, has passed away. There are no remnants left of the Pindarry hordes. The Deccan is no longer full of disbanded soldiers, seeking or making congenial employment. There has been little employment out of the British service during the last thirty years, other than the peaceful ones of agriculture and commerce. All traces of the government of the Brahmin Peishwahs have vanished. There is no longer need to maintain a counteracting influence. * * * * *

3. Lastly I beg leave to subjoin the Minute for the annexation of Sattara by H. E. Lord Falkland, the Governor of Bombay, dated the 28th July 1848 and published in the Parliamentary papers pp. 77-79.

(*Extract No* 28.)

1. The papers treating of the Sattara succession first came before me shortly after I had assumed the charge of this Government. They were then about to be despatched for the consideration of the Supreme Government and the Honorable Court of Directors, and as it did not occur to me that my opinion was required on a question which had arisen during the official career of my predecessor, and the discussion on which, in the Council of Bombay, appeared to be brought to a termination by Mr. Willoughby's very able Minute, I was anxious that these documents should not be longer delayed than they

had already been, but be forwarded at once for the decision of the superior authorities, awaiting which, however, I deemed it my duty to study the question in all its bearings, and therefore, although my Minute of the 18th May was meant to go no further than to indicate an intention of doing this, and not of recording any opinion on the case, I am prepared to state the views I have formed upon the subject.

2. It is scarcely necessary for me to premise, that having no experience in Indian politics, I am compelled to rely on others for information in regard to many things, a knowledge of which is essential to enable me to arrive at a conclusion on the matter under consideration. Thus circumstanced, I esteem it most fortunate for myself, as well as for the public interests, that three such men as Sir. G. R. Clerk, Mr. Reid, and Mr. Willoughby, men thoroughly versed in all that relates to India and its laws, to the practice of its courts, and the rights and customs of its princes and its people, should have lent their knowledge and ability to elucidate every part of this important case, in regard to which the judgment I have formed is merely formed on what appear to me to be admitted facts that are put prominently forward in the Minutes of my predecessor and his colleagues.

3. The Sattara sovereignty, in its present form, dates no further back than from the year 1819, when the British Government, in the words of the preamble of the treaty "determined, in consideration of the antiquity of the house of His Highness the Raja of Sattara, to invest him with a sovereignty sufficient for the support of his family in comfort and dignity," and then, according to the first article of the treaty, agreed "to cede in perpetual sovereignty to the Raja of Sattara, his heirs and successors," certain districts which have since been designated the Sattara territory. In 1839 the British Government, by an act of paramount authority, and for reasons which need not here be recapitulated, deposed the Raja, with whom the treaty of 1819 was contracted, and placed his brother on the throne; this brother is the Raja who has recently died, leaving behind him no natural-born heir, but an adopted son, whose rights are now to be examined and determined.

4. The rite of adoption is a right perfectly understood by the Hindoo people, accurately defined by their laws, and guarded by restrictions to prevent its abuse. It is admitted on all hands that the adoption of the late Raja, although the ceremony was performed only a few hours previous to his death, is perfect according to the Hindoo law, and valid to the extent of the validity given to adoptions by that law. This comprehends the inheritance of all private rights and personal property, but certainly not, in so far as I have been able to ascertain, the succession to public rights or the inheritance of a sovereignty.

5. It is stated by Sir George Clerk that "the sanction of the paramount state is, by custom, required to render the adoption to a principality valid;" and Mr. Reid and Mr. Willoughby prove, by the conduct of the late Raja himself, by the memorandum containing his last wishes (*See* paragraph 20 of Mr. Willoughby's Minute), as well as by arguments of great cogency, by precedents, and by rules and principles of acknowledged authority, that this custom is virtually a law, recognised and respected as such throughout all India. The conclusion from all that has been adduced on this point is to my mind irresistible, that as a claim to the succession, the adoption is worthless until confirmed by the British Government as the paramount power; and thinking thus, I cannot agree with Sir George Clerk, that although we possess the right to confirm or to refuse to confirm the adoption, it would be unjust to exercise that right in refusing to confirm. The right to give necessarily implies the right to withhold, and so far from its exercise in either mode being com-

pulsory, I consider the right a sacred trust vested in us as rulers of Indian empire, to be used with caution and deliberation, in such manner as may appear to our judgment to be most conducive to the benefit of the people at large.

6. I agree then with Mr. Reid and Mr. Willoughby that the course of the British Government in regard to the disposal of the throne of Sattara may in all justness and fairness, be determined by considerations of expediency only. For I presume it can hardly be contended that, passing over the adopted son, there is any other party who can advance a claim to the vacant throne. I do not consider it material to notice the adoption by the ex-Raja at Benares, because the circumstances being similar, all that militates against the validity of the Sattara adoption must be equally adverse to the validity of the other; and if either adoption is to be made valid by our confirming act, it should be that of the Raja who died upon the throne, rather than that of the Raja whom we ourselves dethroned, and who died in exile. The Government of 1839 knew of no party who could claim the succession by "hereditary right," and although there are doubtless, a great number of blood relations belonging to the ancient house of Sevajee, I have never heard of any individual who could be brought forward to stand in the place of "the heir and successor" contemplated by the treaty of 1819.

7. I assume then that the heir to the sovereignty is the adopted son, or that their is no heir, and as, for the reasons I have cited above, it seems evident that we have the right to confirm or repudiate the adoption, it is for us to decide whether it be expedient to continue the sovereignty, or to terminate it by incorporating the Sattara territory with the adjoining British possessions.

8. This part of the subject has been very clearly treated by Mr. Willoughby in the 25th and following paragraphs of his Minute, and to the opinions therein advanced I subscribe generally. I conceive that the question is not to be regarded as concerning only the Sattara family, or even the people of the Sattara state, but with reference to the whole of our eastern dominions, and its bearing upon the interests of the entire community. I cannot doubt that the consolidation of our possessions by the absorption of the small kingdoms and independent principalities which are surrounded by our territories, must tend to augment our power. Sir George Clerk believes that a native government, administered as "that of Sattara has for some time been, is a source of strength to the British Government," and this may be the case. But the Sattara districts are hilly and strong; the population hardy, daring, and disposed to be predatory in their habits. Let it be supposed that the government of that small kingdom were badly conducted, (and what security can we have that it shall not be so?) and instead of a source of strength, from whence assistance might be derived in times of difficulty, it will at once become a source of perpetual annoyance to our officers, of injury to our subjects, and weakness to our Government. The interposition of a tract of difficult country between two divisions of our army can be of but little consequence, so long as it shall be held by a friendly power sufficiently strong to restrain and command the people by whom it is inhabited; but let the ruling power become weak or hostile, and our military communications would be interrupted, perhaps at the very moment when they would be most serviceable. Our real security, therefore, will at most times, and under most circumstances, be more effectually promoted by the consolidation of our territories, than by the delegation of power to subordinate rulers, for whose constant good conduct we can have no guarantee.

9. I am not disposed to dwell much upon the financial considerations attaching to the question, though I am sensible they ought not to be altogether disregarded. The

British Government need not covet the revenues of this petty state, and I do not think it is desirable that we should be supposed to be influenced in our determination of this question by the present condition of our treasury. It appears to me that our right to the Sattara territory, as a lapsed fief of our empire, being (as I consider it to be) once established, if by incorporating it with our other possessions we can obtain additional security for the peace and prosperity of the whole, then that the argument in favour of its being so incorporated is sufficiently strong, even if the advantage to be derived at some distant day from an acquisition of revenue be entirely set aside.

10. Mr. Willoughby has shown, and to my mind satisfactorily, that whatever course may be pursued in this matter, there is no reason to apprehend that feelings of distrust or alarm towards our Government will be engendered among those native princes and feudatories whose confidence it is essential that we should possess, or that evil consequences of a political nature will ensue; and I am of opinion that if the authorities with whom the decision of this question rests shall determine to deal with the Sattara territory as with a lapsed fief, no "express or constructive right will be violated, no just expectation defeated," while the prospective interests of the British Government, and of those subject to British rule in India, will be promoted and secured.

63. If your Majesty be pleased to turn your attention to the preamble of the treaty quoted under section 47, your Majesty will find therein the words 'perpetual friendship' and 'alliance.' Hence the treaty must continue from generation to generation. If the officers of the East India Company who ratified this treaty had intended that it might be set aside at any time, they would never have used in it the words "a treaty of perpetual friendship and alliance." But as this treaty was concluded by the Hon'ble M. Elphinstone, I beg to acquaint your Majesty from other sources with that statesman's views as regards our sovereignty, as also some of the sentiments expressed from time to time by other high political officers of the E. I. Company, who administered their territories, to the effect, that the Court of Directors of the Hon'ble Company had no right to annex our principality and abolish our sovereignty.

a. The Hon'ble M. Elphinstone wrote to the Maharaja on 13th September 1818 the following letter which was published in 1843 (in London by Mr. G. Norman) and is inserted at page 15 of the "Official Papers connected with the Case of the ex-Raja of Sattara."

(*Extract No.* 29.)

I have received your Highness's favour, in which you are pleased to say, that your kingdom has been unjustly seized, and your power usurped by some of your Highness's servants and dependents and vassals, that you have been placed under great restraint by Baji Rao; in consequence of which your Highness is now desirous of entering into arrangements with me, on the part of the Honourable Company, for the settlement of the kingdom; that the Honourable Company's policy and conduct towards other princes and potentates of India had given general satisfaction, and redounded much to their credit; that your Highness entertains the most con-

fident hope that your rights will be acknowledged, and your dominions settled and adjusted to your entire satisfaction ; that in the interview which took place between your Highness and myself you were pleased to allude to this subject, and that I assured your Highness that the matter had been submitted to the Governor-General in Council in a letter I wrote to his Lordship. Your Highness is now desirous of being made acquainted with the result of that communication.

In reference to this I beg to say that I have not yet been favoured with a reply from the Governor-General, owing, doubtless, to the great importance of the subject which will require time for consideration. Your Highness, in the mean time, need entertain no apprehension.

With respect to the treatment to which your Highness has been subjected by your dependents and vassals, I may be allowed to assure you, that a repetition of the same shall never occur. The Governor-General will attend to your Highness's interests in a manner no less satisfactory than what has been done in the cases of the other Princes of India. Your Highness and family will be regarded with that high consideration which is your due. The Governor-General in Council will settle the affairs of your Highness's territories to your satisfaction. I will communicate his reply to your Highness immediately on its reception.

I hope I may always enjoy your Highness's esteem, and be favoured with occasional epistolary favours.

b. The Hon'ble Mr. Elphinstone wrote another letter to our Durbar dated 12th September 1826 in the third para of which he stated that our sovereignty would 'continue perpetually.' This letter is also given at page 27 of the "Official Papers connected with the case of the ex-Sattara Raja" by Mr. G. Norman in 1843 in London. The said third para runs as follows:—

(*Extract No* 30.)

In reply to the 3rd paragraph, it is to be added that the British Government do hereby assure your Highness that they will be as much interested in the welfare and prosperity of your Government as they would be in their own ; and that they will be as foremost in embracing every opportunity or circumstance that may offer for doing good to your Highness's highly respected house. That your Highness may long enjoy the Government, is the evident wish of this humble Government.

c. Mr. Joseph Hume M. P. one of the Proprietors of the Hon'ble East India Company made a speech in the House of Commons on 31st July 1849 condemning in very strong terms the unjust annexation of our sovereignty by the East India Company : he then read from the Hon'ble Mr. Elphinstone a reply to his (Mr. Hume's) letter inquiring about the meaning of certain terms of the treaty of 1819, a reply in which the Hon'ble Mr. Elphinstone has expressed his opinion as to the meaning of "treaty of perpetual friendship and alliance." The speech of Mr. Hume which was published in the *London Times* on the 1st August 1849 contains a passage as follows:—

(*Extract No.* 31.)

He (Mr. Hume) had written to Mr. Mountstuart Elphinstone, who negotiated the original treaty in 1819, on which the principality of Sattara was founded to ask him whether he had been consulted by the East India Directors upon the subject of the confiscation of the territory of that state, and the answer which that gentleman had written to him stated, that no questions had been put to him by the Court of Directors on the subject of the interpretation of that treaty, and that he had never given an opinion to the effect that the right acquired under that treaty had lapsed, or that the lineal or adopted heirs of the late Rajah could not succeed. He (Mr. Hume) further asked Mr. Elphinstone, whether, by the treaty, he intended to settle in perpetual sovereignty upon the Rajah of Sattara and his heirs the territory of Sattara? Mr. Elphinstone's answer was, that the language which he used in that treaty (viz, the treaty of 1819) was "in perpetual sovereignty to the Rajah and his heirs and successors;"—that it was the language which was constantly used in all Asiatic treaties, and that he meant those words to bear the same sense as they were interpreted to bear in all other treaties; but, he added, he gave no opinion as to the interpretation to be put upon the words.

d. Sir George Russell Clerk, formerly Governor of Bombay wrote a Minute in 1848 to the Government of India recommending the transmission of the sovereignty of Sattara to the adopted heir. This Minute has been published in the Parliamentary Papers relative to the Raja of Sattara at page 62, and the 7th para of it is as follows:—

(*Extract No.* 32.)

"7. To judge from the expressions of 'perpetual friendship' to a man, 'his heirs and successors,' these ordinarily seem to mean a sovereignty which should not lapse for want of heirs, so long as there is any one who can succeed, according to the usages of the people to whom the treaty refers. The lad now adopted by the Raja is such a successor.

e. A Minute was also written by the Hon'ble Captain John Shepherd of the Court of Directors in favour of the transmission of our sovereignty to our heirs and successors. It is dated 6th January 1849 and published at page 130 in the Parliamentary Papers relative to the Raja of Sattara; paragraphs 1 and 2 of that paper run as follows:—

(*Extract No.* 33.)

First, I consider the resumption of the state of Sattara at variance with the spirit and letter of the treaty of the 25th September, 1819, which was ratified by the East India Company with his Highness the Maharaja Pertaub Shean, and renewed and confirmed with Maharaja Shajee, commonly called Appa Sahib, on the 4th September, 1839. The very designation of the treaty announces that the objects contemplated by the British authorities were not of a temporary, but a permanent nature. It is headed, "Treaty of Perpetual Friendship and Alliance," between the Honourable East India Company and his Highness Maharaja Pertaub Shean, his "heirs and successors;" and by the first Article, "the British Government agrees to cede in perpetual sovereignty to the Rajah of Sattara, his heirs and successors, the districts specified in the annexed schedule."

2. These terms demonstrate that, at the period of contracting the treaty, the British authorities, as well as the Maharaja, must have viewed it as a solemn compact equally binding on both: it was impossible to have adopted language more expressive of a desire on the part of the British Government to maintain the Sattara state in perpetuity as a separate sovereignty.

f. The following remarks by Mr. John Sullivan, a Proprietor of the E. I. Company occur in a letter to Sir John Hobhouse, Bart., dated the 15th April 1850, and are published at page 33 of it, by Mr. G. Norman at London—

(*Extract No.* 34.)

"It is obvious that by the cession to him (Maharaja) of territory in "*perpetual sovereignty*," he became a sovereign by a double title. He was before a sovereign by birth and in name, and by this cession he became a sovereign in reality. The very words of the treaty show that it was intended to "perpetuate that sovereignty;" and these words, "perpetual sovereignty, and heirs and successors," have a peculiar significance, when it is recollected that they were introduced into a treaty made with one whom it was known, by reason of his right of adoption, could never fail of heirs: and yet the very first attempt to pass the succession to heirs is estopped upon the plea, that it was never intended to perpetuate the sovereignty!

g. When an individual or a corporate body give anything in perpetuity to another, they renounce their claim to it for ever. Likewise since the East India Company in 1819 ceded a portion of our territory to the Maharaja, his heirs and successors, they perpetually renounced their claim to it. And in the treaties concluded by the Princes and Chiefs of India by which they perpetually ceded portions of their territories to the East India Company, although there are no such words as *furzund*, *waris*, and *Kayeem mukam* expressive of perpetuity, do those Princes and Chiefs ever entertain a doubt as to their being ceded in perpetuity? And are there the words the "Company's heirs, and successors" in those treaties? Besides the Company with which they treated has ceased to exist since 1859; still the cessions made by those Princes and Chiefs have been continued to your Majesty, its successor, though in the treaties concluded by the native princes the word "successor" does not occur. If they were to pretend that they did not make any cession to the successor of the Company, but to the Company only, would it be allowed for a moment by your Majesty? Certainly not. Your Majesty would rest on the word 'perpetual.' In connection with this I beg to subjoin Mr. John Sullivan's 2nd letter to Sir John Hobhouse, Chairman of the Court of Directors, dated 15th April 1850 and published by Mr. Norman:—

(*Vide* pages 36, 37 of the Printed pamphlet).

(*Extract No.* 35.)

When an individual or a corporate body cedes anything to another in perpetuity, he or they renounce all claim to that thing for himself and for his heirs *for ever*, and transfers all his right and title to the grantee, just as the Native Princes did, when they ceded to you the territories which you now possess in India "*in perpetual sovereignty.*" You do not affect to doubt the meaning of these terms in your Treaties with the Native Princes, which are your title deeds for these possessions; neither do the Native Princes pretend to say, that they can reclaim them, when the East India Company ceases to exist; because those grants were made specifically to that Company, and make no mention of "heirs and successors."

64. It was stated in paragraph 49 of this memorial that by the first Article of the English Copy of the treaty of 1819 the sovereignty of Sattara had been perpetually ceded to the Maharaja Chhatrapati, his heirs and successors. Under paragraph 63 I have commented on the word *perpetual* and in support of my comment have cited the opinions of some eminent statesmen and officers of the East India Company. Now considering the importance of the words *heirs* and *successors*, I beg to offer an explanation of their meaning. The first Article of the treaty above alluded to is as follows:—

(*Extract No.* 36.)

Article 1—The British Government agrees to cede in perpetual sovereignty to the Raja of Sattara, his heirs and successors, the districts specified in the annexed schedule.

65. The word 'heir' is translated in Marathi by *waris*. The word *waris* by the Hindu law includes the husband and wife, their begotten issue or the son adopted, relations and others. Among the English, Mahomedans and other peoples, different heirs are understood, for in your country the female heir can succeed to the throne; and the law of Primogeniture prevails, which is not the law in our country. Hence a treaty must be interpreted, regard being had to the law, custom, and usage to which the party entering into it is subject. If this view is correct, and if the sovereignty of Sattara by the treaty is to be continued perpetually to the Maharaja Chhatrapati, his heirs and successors, am I not his heir, being his elder wife? If so, what objection could there be to its being continued to me? And according to the Hindu law and usage, I have a right to appoint an heir to my person and the sovereignty, and have in point of fact appointed such heir by adoption. In the preamble of the treaty it has been concluded between the officers of the East India Company and the Maharaja Chhatrapati to cede perpetually to the Maharaja a small portion of our empire. Therefore the sovereignty has

been transmitted in the treaty to the Maharaja, his heirs, and in the absence of heirs, even his successors. If it had been the intention of the framers of the treaty to continue the sovereignty only to the begotten heir of the Maharaja that might have been manifested at the time in the treaty. But since no wish was shown to that end, and since the word 'heir' has been used in its fullest sense and without any qualification, it cannot but be understood in the sense in which it is understood in India, viz. heir by blood relation, or adoption. Hence it is plain and indisputable that the purport of the treaty is that the sovereignty of Sattara should be perpetually continued to the Maharaja and his heirs whether by blood or adoption. I do not ask your Majesty to rely upon this interpretation of mine unless it is supported by authority. Hence I beg to subjoin the conclusions arrived at by eminent statesmen and officers of the Hon'ble East India Company in fully expounding the words 'heirs' and 'successors' of the treaty.

a. The following is from the Minute by the Hon'ble Sir George Clerk, the Governor of Bombay, in 1848, commenting (under sections 8 and 28 of the report) on the words *heirs* and *successors* in the English Copy of the treaty, and on the words *furzand*, *waris*, and *Kayeem mukam* in the Marathi and Persian Copies of it (*See Parliamentary Papers, Sattara Raj, pp.* 62—64).

(*Extract No.* 37.)

8. The terms used in the Mahratta, and in the Persian versions of the treaty, to correspond with "heirs or successors," are still more explicit and ample. They are "furzund vich warisan vich kaim mukam," that is, "progeny, heirs, and representatives," the last word meaning literally, "occupants of the place."

28. Ambiguity is the characteristic of most of our treaties in this country, occasioned for the most part by the reliance of able vakeels on their talents to turn ambiguous expressions to good account. But if we at all allow ourselves on such occasions to be overreached, we deserve in after times to pay the penalty. In the present instance, the terms and intention of the treaty appear to me to be remarkably distinct and perspicuous. Should any doubt, however be entertained, Mr. Elphinstone and Captain Grant Duff, under whose directions it was drawn, could be referred to as to their understanding of the words at the time the treaty was concluded.

b. These are Sections 7 and 8 of the Minute by the Hon'ble H. St. George Tucker against the annexation of the sovereignty of Sattara, dated the 10th January 1849 (*See Parliamentary Papers, Sattara Raj, p.* 128.)

(*Extract No.* 38.)

7. I have only slightly alluded to the argument of expediency, for we are called upon, as it were judicially, to examine and to apply the obligations of the treaty

concluded on the 25th September, 1819, between the British Government and Pertaub Singh, the Raja of Sattara. The first article runs thus :—

"Article 1. The British Government agrees to cede, in perpetual sovereignty, to the Raja of Sattara, his heirs and successors, the districts specified in the annexed Schedule."

8. These terms convey distinctly the right of hereditary succession to a sovereignty; and even those who are most forward in advocating the policy of resumption, are compelled to admit, that if the late Appa Sahib had left lineal issue, there could have been no doubt or question with respect to the right of succession. I find the same terms, "heirs and successors," introduced into other treaties with native states, and I cannot imagine any terms more precise or comprehensive.

c. This is Section 4 of the Minute by the Hon'ble Mr. Shepherd, one of the Directors of the East India Company, dated the 6th January 1849 (*See Parliamentary Papers, Sattara Raj, p.* 131.)

(*Extract No.* 39.)

4. If then the treaty was intended to be perpetual, and if the sovereignty has not been forfeited by the last Raja through any breach of the said treaty, can we with justice resume the territory on the ground of the failure of lineal heirs? It is contended that the words "heirs and successors" in the English copy of the treaty, comprehend only a son born in direct succession, but can it be presumed, that if Mr. Elphinstone and Lord Hastings had contemplated such a limited interpretation, they would have permitted the words "furzund," "waris," and "kaim-mukam," to remain in the Persian copy of the treaty, seeing that those words, distinctly include "heirs general, and representatives," or would they have adopted terms so indicative of a desire to maintain the Sattara sovereignty in perpetuity, had they for a moment anticipated that future policy could dictate the resumption of the state as an escheat?

d. This is section 9 and part of section 10 of the Minute by the Hon'ble Mr. W. Melville, dated the 9th January 1849 (*See Parliamentary Papers, Sattara Raj, p.* 138).

(*Extract No.* 40.)

9. Another doubt has arisen as to the meaning of the word "heirs," in the cession of "perpetual sovereignty" to the Raja, "his heirs and successors". The terms are stronger in the Persian version of the treaty, but I am quite willing to take the English version. These words are then to be understood, as they were unquestionably by both parties to the treaty, according to the law of nations, as applied to India, or as it may be more simply expressed, according to the law and custom of India.

10. Now the word "heir," when used in India, means either an heir of the body, or an heir by adoption. Both are equally rightful heirs.

e. The following is a portion of the letter addressed by Mr. John Sullivan to the Hon'ble Sir John Hobhouse, dated the 15th April 1850 against the iniquity of annexing the sovereignty of Sattara. (Printed by Mr. Norman in 1850.)

(*Extract No.* 41.)

The question, says, Lord Auckland, is not what rights the Raja of Oorcha had under the Delhi Emperors, but what rights he has derived under our treaty with him : and as that treaty guarantees his territories to him, his heirs and successors, in the most distinct and positive terms, there cannot be the shadow of doubt as to his right to adopt. Are the words of our treaty with the Raja of Sattara, I beg to ask, so obscure or so equivocal, that you should venture to say that you are not aware of the existence of any pledge, * direct or constructive, that can bind you to admit his right to adopt a successor to his throne? How is the preamble to the treaty with him worded? (*Vide* preamble of the treaty of 1819 copied out under section 47 of this memorial.)

* *Vide* Court of Directors' letter, 24th Jan. 1849.

f. This is Section 7 of the Report by Sir George Clerk, the Governor of Bombay against the annexation of the sovereignty of Sattara (*See Parliamentary Papers, Sattara Raj, p.* 162.)

(*Extract No.* 42.)

7. To judge from the expressions of "perpetual friendship" to a man, "his heirs and successors," these ordinarily seem to mean a sovereignty which should not lapse for want of heirs, so long as there is any one who can succeed, according to the usages of the people to whom the treaty refers. The lad now adopted by the Raja is such a successor.

g. In the letter of Mr. Sullivan alluded to in section *e* of para 65 he further observes :—

(*Extract No.* 43.)

Allow me now to remind you that we have more than 250 treaties and engagements with Princes and Chiefs, who are either sovereigns in their own right, or who belong to an intermediate class, neither sovereign nor subject; that some of those Princes and Chiefs are the descendants of the Princes who resisted Alexander, and have been in possession of their Principalities and territories from that age to this: that in our relations with these Princes, we have stripped ourselves of every vestige of the despotic authority, which we may have assumed to belong to us as the paramount power in India, by specific treaties, and engagements; under which, to all those who are Sovereign Princes in their own right, we have, either directly or by implication, guaranteed their territories, "to them, their heirs, and successors in perpetuity." To the majority of the inferior class, we are under the same obligations; not by treaties, but by (sunnuds) grants guaranteeing their possessions, to which the public faith is equally pledged. In some of these grants, the terms used are "to them and to their heirs" to others, "to them and to their heirs for ever" to others, "heirs and successors" to others, "heirs and descendants" and to many "to them, their heirs and successors, from generation to generation."

66. If your Majesty be pleased to peruse the Marathi and Persian Copies of the treaty, you will find no room whatever for doubting the perpetual transmission of our sovereignty. After stating in the preamble that the sovereignty shall be perpetually continued to the Maharaja, his *furzund, waris,*

and *Kaim Mukam*, it appears that for the very sake of securing perpetuity these ample and comprehensive terms, have been used further on. Thus—

कलम अव्वल.

सरकार इंग्रज बाहादूर यांचे तर्फेनें करार होत आहे कीं महाराज छत्रपती यांचे सरकारांत मुलूख द्यावयाची याद अलाहिदा या तहनाम्याबरोबर लागली आहे या मुलखाचें राज्य महाराज छत्रपती व यांचे फरजंद व वारिस व कायममुकाम यांणी सदोदीत करित असावें याजकरितां देत आहेत.

(Translation of this article is given in the following extract.)

Under paragraph 51 I have given the meaning of the words *furzund*, *waris*, and *Kayeem Mukam* on high authority. Now, being the elder Rance of the Maharaja, I am his lawful heir. I have, besides innumerable relatives and *furzand* according to the Hindu law; hence that sovereignty which has been perpetually transmitted, can never be extinguished. Nay, the Hon'ble Company has transmitted the sovereignty not only to the Maharaja, his *furzand* and *waris*, but also to the *Kayeem mukam*, i. e. regency of officials or durbar so that it can never become extinct. How unjust, arbitrary, and highhanded then is that measure by which I and my son have been deprived of the sovereignty though I have not in the least infringed any of the conditions of the treaty. Let your Majesty calmly consider the question. As the British nation professes to rule in India on principles of justice and humanity, the East India Company was not justified in depriving us of our principality without rightful excuse. To this effect the officers and statesmen of the East India Company have often expressed themselves from time to time.

a. In the Marathi copy of the treaty of 25th September 1819 the following passage occurs :—

(*Extract No.* 44.)

The valiant English Government on its part agrees to give country or territory to the Government or State of His Highness Maharaj Chhattreputtee, (the Raja of Sattara), a separate Memorandum or Schedule of which is attached to this written Treaty; His Highness Maharaja Chhuttreputtee and His Highness's Sons and Heirs and Successors (meaning a Regency), are perpetually (i. e. from generation to generation) to reign in sovereignty over the Territory. On account of this, these (i. e. the Treaty and Territory) are given.

Here *furzand* which is a Persian word means a son or daughter; *waris* in Arabic is an heir; *Kaim mukam* is an Arabic expression and means per-

sons conducting the state affairs, equivalent to the English term a regency.

b. This is the opinion of the Hon'ble H. St. George Tucker expressed in sections 9-12 of his Minute against the annexation dated the 10th January 1849, as to the meaning of *furzand*, *waris*, and *Kayeem mukam*. (*Parliamentary Papers, Sattara Raj, p.* 128.)

(*Extract No.* 45.)

9. But Mr. Reid is disposed to cavil at the Persian terms used in the counterpart of the treaty; and Mr. Willoughby hazards a conjecture, that they may have been introduced by some vakeel or other person, without sufficient authority.

10. Captain Grant Duff, who signed the treaty, was, I believe, an oriental scholar; and, unquestionably, the Honorable Mr. Elphinstone was an oriental scholar, as well as an eminent statesman; and I cannot for a moment believe that, on so important an occasion, those public functionaries would have neglected to satisfy themselves that the transcript in the native languages, which alone could have been understood by the Raja and his Minister, was in strict accordance with the English version of the treaty.

11. But without being an oriental scholar I can venture to maintain, that the words used in the Persian transcript fairly correspond with the terms used in the English treaty.

12. "Furzund,"* means offspring or lineal issue. "Waris," means "heir"; and it is clear that by the addition of this term, it was intended to include heirs, not being lineal descendants. The third term, "Kaim-makam," literally means something fixed, and permanent in a situation, although it is some times applied to designate a *locum tenens*, on vicegerent.

c. In his Minute against the annexation of our sovereignty, Sir George Clerk thus expresses his opinion (in section 8) as to the meaning of *furzand*, *waris*, and *Kayeem-mukam*. (*See Parliamentary Papers, Sattara Raj, p.* 62.)

(*Extract No.* 46.)

8. The terms used in the Maharatha, and in the Persian versions of the treaty to correspond with "heirs or successors," are still more explicit and ample. There, are "furzund vich warisan vich kaim mukam," that is, "progeny, heirs, and representatives," the last word meaning literally "occupants of the place."

67. The preamble of the treaty of 1819 in Marathi concluded between the Maharaja and the East India Company, quoted under section 49 runs as follows:—

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* *See* Persian Dictionary, Johnson's edition, p. 1, 112, and 1, 466.
The term "Kaim-i-makam" was, perhaps, superfluous and unusual; but it is not unlikely that it was introduced to strengthen the impression of perpetuity of tenure.
In altumgah, or royal grants, the words generation after generation (nusulum bad nusulum), are usually inserted; but not in treaties, I believe.

तहनामा बरायईस्त काम जाबितां राहिता दोस्ति फीमा बायन सरकार दौलतमदार इंग्रज बहादुर याणी मनांत असा निश्चय केला कीं श्रीमन्त महाराज राजे प्रतापसिंग्ह छत्रपती सातारकर यांचें खानदान बहुत दिवसापासोन आहे यास्तव त्यांचे व त्यांचें मंडळीचे शानशौकतीकरितां त्यांस कांहीं राज्य द्यावें त्यावरून कपतान जेम्स ग्रांट साहेब बहादूर अजतर्फ सरकार इंग्रज बहादूर व विठ्ठल बलाळ अजतर्फ सरकार महाराज छत्रपती या उभयतांनीं तहनामा ठराविला तीं कलमें लिहिलीं जात आहेत.

"A Treaty for strengthening, holding firm, and cementing friendship between the prosperous and valiant English Government (meaning more properly the East India Company's local Government), which is thus assured in its mind that the illustrious house of his Highness Shreemun Maharaj, Rajah Pretab Shean Chhuttrapattee, of Sattara, is of high antiquity; therefore, for and on account of the dignity and grandeur of His Highness and his Highness's house and family, some kingdom or sovereignty (Raj) is to be given to his Highness. On this (subject) the valiant Captain James Grant, Agent on part of the valiant English Government, and Veethul Balal, on part of the State or Government of His Highness Maharaj Chuttraputtee, both these (parties) have established this treaty which is written down in these Articles following."

The word (मंडळी) *Mandali* has been translated in the English version of the treaty by "family." This is not a correct translation as will be shown on best authority. The words (त्यांचे मण्डळीचे शानशौकतीकरतां) (for the dignity and grandeur of his [Maharajas] state-circle) have been specially used for the purpose of perpetuating the sovereiguty. The word *Mandali* does not refer to "family," as the meaning of *family* is comprehended in the expression 'transmitted to the Maharaja'; the object of the word *mandali* is plainly intended to represent the *followers* and *dependants* of the Maharaja. This meaning is corroborated by the corresponding word *lavach* in the Persian treaty the meaning of which word, as given under Section 51, is *servants* and *dependants*. This cannot fail to convince your Majesty of the great care and foresight with which the treaty was framed with the full intention that the sovereiguty should never be jeopardized and that our princely family should never be deprived of it. In support of the meaning given above to the word *mandali* I beg also to lay before your Majesty the opinions of Sir Thomas Munro, the Hon'ble M. Elphinstone and Lord Hastings.

a. In a report dated the 18th June 1818 submitted by the Hon'ble Mr. Elphinstone to the Governor-General Lord Hastings, and in its 8th

section the Hon'ble M. Elphinstone recommends that a provision should be made for the maintenance of the followers of the Marathi kingdom. The section is published at page 52 of the *Parliamentary Papers, Sattara Raja*, and is as follows:—

(*Extract No.* 47.)

6. The first demand on this revenue is a provision for the Rajah of Sattara, Your Excellency's instruction left me the choice of giving him a jageer or a small Sovereignty; and I was inclined to adopt the latter plan for various reasons. At the time when I had to decide, the Mahrattas shewed no disposition whatever to quit the Peishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence—and still more, that of the entire loss of their means of subsistence, from the want of a Government likely to employ them, would induce them to adhere to Bajee Row, with an obstinacy that could never have been produced by affection for his person or interest in his cause. It therefore seemed expedient to remove those grounds of alarm by the establishment of a separate Government. Your Excellency will have observed from Brigadier-General Munro's letter, the opinion of that experienced officer, that a state like that of Mysore shall be formed for the Rajah; and although I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro, on the importance of leaving for part of the Peishwa's subjects a Government which could afford them service in their own way: some part of the revenue must necessarily have been sacrificed to the maintenance of these classes, and by adding a portion of the revenue so sacrificed to that designed for the support of the Rajah, I expected to keep many in employment, and more in hopes, that would otherwise have remained disaffected, and ready to join in every scheme for disturbing the Government, or laying waste the country.

b. In his letter dated 26th September 1818 Lord Hastings, the Governor-General of India concurring with the Hon'ble Mr. Elphinstone and Sir Thomas Munro states in para 9 of the letter that the sovereignty of Sattara has been created for the comfort and dignity of the Maharaja and the maintenance of the followers of the Maratha Empire. This letter is also published in the *Parliamentary Papers, Sattara Raj, part* II *page* 54 and is as follows:—

(*Extract No.* 48.)

9. The Governor-General has already signified to you his entire assent to the force of those considerations which induced you to extend the original objects of the establishment of the Rajah of Sattara in an independent sovereignty, and the consequent enlargement of the territory to be conferred on that Prince.

68. It is stated in the second Article of the treaty that the sovereignty of Sattara is to be administered in "subordinate co-operation" with the British Government. It has been inferred by some that this phrase militates against the independency of our sovereignty. Now the East

India Company entered into about 250 treaties and engagements with the Princes and Chiefs of India, all of whom have agreed therein to rule in "subordinate co-operation" with the British Government, but who have been and are considered independent, nor has the East India Company ever objected to continue their territories to their adopted heirs. Now if such princes and chiefs rule in 'subordinate co-operation' with the British Government without losing their independence and sovereign rights, that phrase does not affect in the least the independence of our sovereignty. This view is also taken by several officers and statesmen of the East India Company. Article 2 above alluded to is as follows:—

Article 2—The Raja for himself and for his heirs, and successors, engages to hold the territory in subordinate co-operation with the British Government, and to be guided in all matters by the advice of the British Agent at his Highness's Court.

a. Sir George Clerk formerly Governor of Bombay writes in Sections 10, 11 of his report to the Calcutta Government in 1848 to the effect that though the Government of Sattara was to be conducted in 'subordinate co-operation,' it did not affect its independence, and the Company's permission to adopt an heir was not necessary, as will be seen from the following extract:—

(*Extract No.* 49.)

10. The treaty states that the British Government "determined, in consideration of the antiquity of the House of his Highness the Raja of Sattara, to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity" and the Raja engages for himself, his heirs and successors, "to hold the territory in subordinate co-operation with the British Government." And "subordinate co-operation" is explained in the treaty to mean, that the British Government, shall protect the Rajah from external aggressions; that the Raja shall not correspond with foreign potentates, &c. &c.

11. There are many instances of states held subordinate to another in all external relations, the duration of whose sovereignty it is never supposed could be justly terminated by the superior state in default of direct heirs.

69. To recapitulate what has here been set forth :—I have cited in full the treaties of 1819 and 1839 under paragraphs 47 and 48, and have given the meaning of the essential words therein in paras 50-55. I have noted in para 63 my comments on the terms "perpetual friendship and alliance" in the treaties, these comments being supported by eminent authorities. The true meaning of the words "heirs and successors" is given on testimony of several authorities in paras 64, 65; and the words

Jurzand, *waris*, and *Kayeem mukam* have been considered at length in paragraph 67. In the original treaty in Marathi the word *mundali* is used which, it is shown, like *Kayeem mukam* does not refer to family, but to followers, officials, or dependents. And in the paragraph next preceding this, it has been contended on the authority of several eminent officers and politicians that the words "subordinate co-operation" did not affect at all the independence or autonomy of the sovereignty of Sattara. Thus it has been clearly established, that, consistently with the treaties, the East India Company could not object to the adoption of an heir by me but were bound by engagements not to prevent the continuance of the sovereignty. Now I pray your Majesty would be pleased to turn your attention to some of the opinions and conclusions, given below, delivered by several of the officers and statesmen of the Hon'ble E. I. Company and other Englishmen, who reproached that body for the unjust, arbitrary, and high-handed way by which I was deprived of my sovereignty.

1. *Minute by Sir George Clerk, the late Governor of Bombay, dated the 12th April 1848 and published in the Parliamentary Returns, Sattara Raj, p. 61.*

(*Extract No. 50.*)

The death of the Raja of Sattara, on the 5th instant, gives rise to a question regarding the succession to that principality.

2. Having been for some days previously anticipating the early demise of the Raja, I had personally given directions to the Resident, Mr. Frere, who was then in attendance on me, to be prompt when it did occur, in requiring the ministers to carry on the administration under his superintendence, and all dependent chiefs to be vigilant to preserve order in their dominions. Mr. Frere was also instructed by me to abstain from recognizing my adoption, by means of which the childless Raja might desire to perpetuate the sovereignty, assigning to the Raja, or after his death, to the ministers, as his reason for withholding consent, the absence of the sanction of the British Government.

3. On the 1st. instant, in his conversation with the Resident, the Raja first manifested his intention of adopting an heir to his throne. Mr. Frere on that occasion did all that was proper for him to do, in order to divert the Raja from having recourse to such a measure without the sanction of the British Government. There had been for some time an evident inclination on the Raja's part to adopt a child towards whom he showed great fondness. This child was a foundling, and not of his own blood. But he had met with no encouragement from this Government, or from the Resident, to a proposition officially made last year, to confer an excesssive grant in land and money on this child, and for our Guarantee of such grant. He thus, I think, perceived that it would be futile to attempt the adoption of the child, Bulwunt Rao, and thenceforth was prompted by the Brahmins, and by his own good sense, to abandon that wish, and to seek among the several branches of his house the most eligible scion for adoption. It

is apparent, from Mr. Frere's report of circumstances, that, had the Raja survived some days longer, the selection might have fallen on some other child than the one now chosen; but it is equally clear that he would not have adopted any one from the Kolapore Raj, or from the Wawee branch of the family. Besides these, there were seven uncontaminated branches of his Bhonslay blood; and the circumstance of the child now adopted being at Sattara, and thus available for the necessary ceremonies, seems to have determined the selection which was made only a few hours before the Raja breathed his last, but while he was in perfect possession of his senses, and the surgeon of the Residency, Dr. Murray, attending on him.

4. This adoption having taken place according to Hindoo usage, there can be no doubt but that such adopted son is the late Raja's legal heir, and should succeed to all his personal property. The question, however, remains, whether he is entitled to the sovereignty of the Sattara state.

5. During the last century, and until the usurpation of their authority by the Peishwa was, the Sattara rajas were in a position so entirely independent of any paramount power as to adopt, and so to devolve the inheritance of their kingdom, without the formality of any superior sanction. It is necessary, therefore, to consider how far the existing sovereignty differs from that of former times.

6. The downfall of the Peishwas put an end to the empire of Sevajee, whose representative the powerless pageant monarch of Sattarah, was emancipated, and restored to real sovereignty by the British Government, whose treaty with Sattara of the 25th September, 1819, is one of "perpetual friendship and alliance between the Honourable the East India Company and His Highness, his heirs and successors."

7. To judge from the expressions of "perpetual friendship" to a man, "his heirs and successors," these ordinarily seem to mean a sovereignty which should not lapse for want of heirs, so long as there is any one who can succeed, according to the usages of the people to whom the treaty refers. The lad now adopted by the Rajah is such a successor.

8. The terms used in the Mahratta, and in the Persian versions of the treaty, to correspond with "heirs or successors," are still more explicit and ample. They are, "furzund vich warisan vich kaim mukum," that is, "progeny, heirs, and representatives," the last word meaning literally, "occupants of the place."

9. The sanction of the paramount state is by custom required to render an adoption to a principality valid. In the time of our predecessors this was a source of profit to the Treasury. We require its observance for the better purpose of averting the dissentions and bloodshed that would otherwise ensue from the vindication of rival pretensions. Can we here, without injustice, exercise that right of sanction, to the extent of prohibiting adoption? and if this be answered in the negative, is the exercise of that right now required, in order to support any other claim in preference to that of this adopted son?

10. The treaty states that the British Government "determined, in consideration of the antiquity of the house of His Highness the Rajah of Sattara, to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity," and the Rajah engages for himself, his heirs and successors, "to hold the territory in subordinate co-operation with the British Government." And "subordinate co-operation." is explained in the treaty to mean, that the British Government shall protect the Rajah from external aggressions; that the Rajah shall not correspond with foreign potentates, &c. &c.

11. There are many instances of states held subordinate to another in all external relations, the duration of whose sovereignty it is never supposed could be justly terminated by the superior state in default of direct heirs.

12. The present Chairman of the Honourable the Court of Directors, in a Minute of dissent from the decision of the Court, dated 1st April 1840, (*Vide* Parliamentary Papers, Raja of Sattara, Part II, 14th August 1843, House of Commons), in reference to the anticipation by the Government of Bombay, that this principality might escheat, observes, "Admitting too that the Raja was guilty of an infraction of the treaty, it does not follow that it was such as to cause his blood to be attainted. If the Raja should have no legitimate issue, it was competent to him to adopt, and his heir might be perfectly innocent, and be justly entitled to the inheritance under the treaty. The Government of Bombay seem, indeed, to anticipate that the principality may escheat, at no distant period, to our Government, by the demise of Appa Sahib; but the principality is hereditary, and should the Raja leave no issue or natural heirs, he may adopt, and adoption with a Hindoo is not only a right but a duty. I have the highest authority for stating, that even in the case of a fief or dependency, a legal adoption cannot be barred by the Government or lord paramount."

13. In the instance of Sindia's throne, the terms guaranteeing succession were similar. In 1827, when Dowlut Rao Sindia died without an heir, or without even any testamentary declaration as to his successor, it was permitted to his widow, in concurrence with the advice of the British representative, to adopt a child, and an Article was executed on the part of Baiza Baee, as regent, confirming the former friendship of the two states, and "recognizing the adopted child under the title of Junkajee Rao, as the legitimate sovereign of the late Maharajah's dominions."

14. We have by the same means sanctioned the perpetuation of Holkar's dominions.

15. In the case of the territory of Angria, which has lapsed for failure of heirs, the British Government, in the treaty of July 1822, Article 4, especially reserved to itself "the right of conferring investiture on the chief of Colaba on any vacancy of musnud;" but in this case it was the hope of a posthumous male child, which alone prevented the chief's adoption of a son, and as a child was born and placed on the ghuddee, a subsequent adoption by the widows of his father was not permitted.

16. Since 1819 the British Government has permitted adoptions in the jagheers of the Punt Sucheo, the Punt Prittiniddy, the Nimbalkur of Phultan, and the Dufflay of Juth. These chiefs rank only as Jageerdars, though separate treaties were concluded with each when we took the country; but I know of no reason which could have been urged for permitting adoption in their cases which would not apply with much greater force in the present instance.

17. If it be inconsistent with justice to refuse confirmation to the act of adoption it is useless to inquire whether it is better for the interests of the people or of the empire at large, to govern the Sattara territories through the medium of a native Raja, or by means of our own administration.

18. It is, however, a question of more than speculative interest, whether the policy which guided Mr. Elphinstone in 1818, can be said to have failed; in deciding this question we should look, not to the trouble occasioned to the Government of India by the agitation on behalf of the ex-Raja, but to the degree in which the existence of Sattara as a separate state has promoted the internal security of this part of the Deccan. Unquestionably a native Government conducted as that of Sattara has for some time been, is a source of strength to the British Government.

19. I believe there can be no doubt as to the regularity of the adoption according to the Hindoo law and Mahratta usage. Since the time of Sevajee there have been two (2) adoptions in the Sattara family; Ram Raja was adopted in 1750 by Shahoo Maharaja, from the house of Kolapore, descended from their common ancestor Sevajee. On the death of Ram Raja in 1779, he was succeeded by his adopted son Shahoo Maharaja II., the father of the Raja just deceased. He was of the house of Wawee, which stood in exactly the same relation to Sevajee as the house of Shedhgaom, to which the boy now adopted belongs.

20 During the same period there has been one (1) adoption in the kindred house of Kolapore. Sumbhajee, the grand son of Sevajee having adopted in 1762 a son from the house of Kanwut, which stood in the same relation to Sevajee as the houses of Wawee and Shedhgaom.

21. In the house of Tanjore there has been at least one (1) adoption; this house is descended from the half brother of Sevajee, and the father of the present Raja of Tanjore was adopted out of the Jintee family, which stood in the same relation to Sevajee and his half brother as the houses of Kanwut, Wawee, and Shedhgaom. These four houses, together with those of Moongy, Owdhut, and Kullus, trace their descent from seven brothers, children of Witojee Bhonslay, who was brother to Mallojee, the grandfather of Sevajee.

22. As regards rival claimants to succeed to the throne of Sattara, it may be safer to leave each claimant to bring forward his own case; but, in the last memorandum he submitted to the British Government, just before his death, the Raja specially objected to two possible claimants, viz the brother of the Raja of Kolapore, and the child adopted by the late ex-Raja at Benares.

23. As regards any Kolapoor claims, the partition treaty of the 26th April 1731 appears to bar any pretension which the house of Kolapore might have, other than that of being eligible for adoption.

24. As regards the claims of the ex-Raja's adopted son, it is to be observed that nothing can possibly be urged on his behalf which might not be stated with far greater force in behalf of this adoption by the late Raja.

25. The late Raja died in possession of the throne, to which the treaty 1839 had given him all the claims which his brother could ever have possessed. Even those who question the justice of the ex-Raja's deposition, must admit, that the title of the late Raja to the throne was, at the time of his death, without flaw, and that, had he left a natural heir, the succession of that heir could not, on any principle of justice, have been opposed. An adopted son stands precisely in the same relation as the natural heir, and whatever right the ex-Raja may have had to adopt, the same must be conceded to his brother who died on the throne. Whatever may be the supposed wrongs of the ex-Raja, it would be a strange mode of reparation to right them by disinheriting the lawfully adopted heir of his brother, who, up to the day of his death, was the unvarying loyal ally of his British patrons. It is not necessary to suppose, as apprehended by the Raja, that the advent of the adopted son of the ex-Raja would be the death of all the present royal family, but there can be no question as to the lamentable effects that would follow such a counter revolution.

26. In a matter such as this question of resumption of a territory recovered by us, and restored to an ancient dynasty, I would observe that we are morally bound to give some consideration to the sense in which we induced or permitted the other party to

understand the terms of a mutual agreement. Whatever we intend in favour of an ally in perpetuity, when executing a treaty with him on that basis, by that we ought to abide in our relations with his successors until he proves himself unworthy. We should look for escheats, not from such a source as the doubtful meaning of the stipulation of an agreement, but from the incorrigible misconduct of allies when thrown back, as they should be, on the responsibilities of the sovereign rights relinquished to them, rendering punishment in such cases signal and salutary, by abstaining from half measures, such as largely pensioning or managing for the delinquent, or substituting his child, wife, or minister.

27. I am sensible that, geographically considered, the territory would seem to be a connecting link between our Deccan and Southern Mahratta country, and that it is highly important, therefore, that we should have a firm hold of it. But I would prefer to maintain this hold by means of the all-powerful influence derivable from a scrupulous adherence to the letter and the spirit of our treaties.

28. Ambiguity is the characteristic of most of our treaties in this country, occasioned for the most part by the reliance of able vakeels on their talents to turn ambiguous expressions to good account. But if we at all allow ourselves on such occasions to be overreached, we deserve in after times to pay the penalty. In the present instance, the terms and intention of the treaty appear to me to be remarkably distinct and perspicuous. Should any doubt, however, be entertained Mr. Elphinstone and Captain Grant Duff, under whose directions it was drawn, could be referred to as to their understanding of the words at the time the treaty was concluded.

29. Our views and our practice in India, in regard to adoptions to chiefships, have been inconsistent and capricious. We have no Hindoo laws to guide us in such cases. It will, therefore, be convenient for us and acceptable to the people, if the determination of the present question should lead to the declaration of fixed principles for the regulation, under the authority of the British Government, of succession in default of heirs.

30. The accompanying genealogical tree exhibits the Sattara family, past and present.

2. *Dissent of the Hon'ble St. George Tucker, Director H. E. I. Company*, dated the 10th January 1849 and published in the *Parliamentary Papers, Sattara Raj, pp.* 127-130.

(*Extract No.* 51.)

1. I have perused with care and attention the Minutes and other documents received from India relating to the succession to the principality of Sattara, and I regret that I cannot concur in the conclusions at which the Government of India have arrived, and which have been adopted substantially by the Court.

2. This is not a question of expediency, and I regret to see so much stress laid by the Civil Members of the Bombay Government on the policy of annexing the principality to the British territory. We are called upon to consider and decide upon a claim of right; and I have always felt, that our best policy is that which most closely adheres to the dictates of justice.

3. In this case, we are to decide on the obligations of a treaty formally concluded by the British Government; and I hold it to be quite unworthy of that Government to

evade or elude, in any manner, the provisions of that or any other treaty for purposes of its own.

4. True it is that the grant of the principality of Sattara to the descendents of Sevajee in 1819, was perfectly gratuitous on our part; but we are not now at liberty to recall the gift. Mr. Mountstuart Elphinstone, a statesman of the first order, proposed this disposition in favour of the family of the founder of the Mahratta empire, partly with a view to conciliate the people who had recently been subjected to our sway, and partly to establish a counterpoise to the influence of the Peishwa and his family, who had become the ruling power in the State. This policy was generally approved at the time; and the peace and good order which have since been maintained in the territory acquired from the Mahrattas may fairly be ascribed, in a great measure, to the wise and liberal principles which governed our Councils on that occasion.

5. Sir John Malcolm gave a very decided opinion at a subsequent period in favour of this policy, as noticed in one of the Bombay Minutes; and I may add, that it received the sanction and approbation of the Marquis of Hastings, then Governor-General of India. Mr. Elphinstone thus briefly describes his views in his letter to the Governor-General, of the 18th June, 1818:—

"Next to maintaining such a force as shall prevent all thoughts of rebellion, the best means of securing the tranquillity of the conquered country is, to conciliate the people, the Mahrattas, by setting up the Raja of Sattara, and by liberality to the Jageerdars and Brahmins, by keeping up their pensions and religious institutions; both castes by finding employment for the civil and military servants of the former princes; and by just and good government. It is, however, to be remembered, that even just government will not be a blessing, if at variance with the habits and character of the nation."

6. Those who are eager for the extension of our territory, flatter themselves that we are extending our power as a necessary consequence; but the annexation of a principality to our gigantic empire, may in my opinion, become the source of weakness* by impairing our moral influence over our native subjects. I remonstrated against the annexation (I am disposed to call it confiscation) of Colaba, the ancient seat of the Angria family, to which allusion has been made in the Bombay Minutes; and far from having seen reason to recall, or to modify, the opinion recorded by me on that proceeding, I have availed myself of every suitable occasion to enforce my conviction, that a more mischievous policy could not be pursued than that which would engross the whole territory of India, and annihilate the small remnant of the native aristocracy. There are persons who fancy that landed possessions in India cannot be successfully administered by native agency. In reproof of this notion, I would point to the Rampoor jagheer in Rohilcund, which was a perfect garden when I saw it long ago, and which still remains, I believe, in a state of the highest agricultural prosperity. Nay, I would point to the principality of Sattara itself, which appears to have been most successfully administered, both by the ex-Raja Pertaub Singh, and his brother and successor, the late Raja Appasahib, who have done more for the improvement of the country than our own Government can pretend to have done in any part of its territory.

* Sir John Littler, a high authority seems to be of this opinion. See his Minute of the 5th September 1848.

7. I have only slightly alluded to the argument of expediency, for we are called upon, as it were judicially, to examine and to apply the obligations of the treaty con-

cluded on the 25th September, 1819,* between the British Government and Pertaub Singh, the Raja of Sattara. The first article runs thus:—

Article 1. "The British Government agrees to cede, in perpetual sovereignty, to the Raja of Sattara, his heirs and successors the districts specified in the annexed Schedule."

8. These terms convey distinctly the right of hereditary succession to a sovereignty; and even those who are most forward in advocating the policy of resumption, are compelled to admit, that if the late Appa Sahib had left lineal issue, there could have been no doubt or question with respect to the right of succession. I find the same terms, "heirs and successors," introduced into other treaties with native states, and I cannot imagine any terms more precise or comprehensive.

"9. But Mr. Reid is disposed to cavil at the Persian terms used in the counterpart of the treaty; and Mr. Willoughby hazards a conjecture, that they may have been introduced by some vakeel or other person, without sufficient authority.

10. Captain Grant Duff, who signed the treaty, was, I believe, an oriental scholar; and, unquestionably, the Honourable M. Elphinstone was an oriental scholar, as well as an eminent statesman; and I cannot for a moment believe that, on so important an occasion, those public functionaries would have neglected to satisfy themselves that the transcript in the native languages, which alone could have been understood by the Raja and his Minister, was in strict accordance with the English version of the treaty.

11. But without being an oriental scholar I can venture to maintain, that the words used in the Persian transcript fairly correspond with the terms used in the English treaty.

12. "Furzund,"† means offspring or lineal issue. "Waris," means "heir"; and it is clear that by the addition of this term, it was intended to include heirs, not being lineal descendants. The third term, "kaim-makam," literally means something fixed, and permanent in a situation, although it is some times applied to designate a *locum tenens*, or vicegerent.

13. Upon the validity of the adoption made by the late Raja Appa Sahib, when at the point of death, I am not prepared to pronounce a decided opinion, for it involves a question of Hindoo law and usage: and although I have great reliance on the excellent judgment, knowledge, and experience of Sir George Clerk, the late Governor of Bombay, I am aware that there must be a concurrence of circumstances and conditions to give validity to an adoption; and it appears to me that the question ought to have been referred to the highest legal authorities. On one point, however, I can have no doubt, that greater violence could not be done to the feelings of our Hindoo subjects than by denying them the right of adoption; for the presence of a son or heir by adoption is essential, I have always understood, to the due performance of certain ceremonies to which the Hindoos attach great importance at the obsequies of the parent.

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* Before the execution of that treaty, on the capture of Sattara by our troops, who had hoisted the British flag, Mr. Elphinstone ordered it to be hauled down, and declared, by proclamation, that a portion of the country was to be placed under the sovereignty of the Raja of Sattara, the rightful Sovereign.

† *See* Persian Dictionary, Johnson's edition, p. 1,112 & 1, 466. The term of "Kaim-i-makam" was perhaps superfluous and unusual; but it is not unlikely that it was introduced to strengthen the impression of perpetuity of tenure.

In altumgah, or royal grants the words generation after generation (nusulm bad nusulum) are usually inserted · but not in treaties, I believe.

14. But if the doctrine propounded by the Civil Members of the Bombay Council be correct, the right of adoption by a Hindoo prince, having political relations with the British Government, will become a mere mockery. If it can be barred merely because the Government have a contingent interest in the result; it is no longer a right, and we should at once declare to our Hindoo allies and dependents that, as far as territorial rights are concerned, we reserve to ourselves the power to regulate and restrict all adoptions.

15. Still, if it be right and justifiable to reject and set aside the adoption* by the late Raja, Appa Sahib, another question arises with me, whether there be not an heir of blood, or nearest of kin, who may fairly claim the succession under the terms of the treaty.

16. We are not bound, I think, to go back in search of heirs to the ancestors of Sevajee; but if there be found one near of kin to the late Rajahs who can claim as 'heir' under the treaty, that claim should be carefully examined, and justly dealt with.

17. To the present moment I cannot discover that any reference has been made to the Hindoo authorities, for the purpose of ascertaining how far the adoption by Appa Sahib was regular and binding under Hindoo law and usage. Nor do I find that any opportunity has been afforded to the heir-at-law (if any) to come forward and establish his claim to succeed under the treaty. We thus decide the cases in our own favour, *ex parte*, mainly upon considerations of expediency.

18. The late Bala Sahib Senaputtee was, it is understood, a near relative of the two Rajahs, and he is said to have left a son, whom the ex-Rajah, Pertaub Singh, adopted as his heir. That adoption, if valid, could only convey a right to the personal property and effects of the deceased: but the same party, or some other member of the family, nearest of kin, might have just pretensions to succeed to the principality under the provisions of the treaty. On this point I am induced to quote the following passage from the Minute of the late Sir Robert Grant, bearing date 30th January, 1837, par. 13:—

"Without reference, however, to the general considerations on which I have touched, there are particular circumstances which would make it difficult for us to appropriate the Sattara territory to ourselves. The Rajah is himself guilty; but there is no evidence of guilt on the part of his brother or his cousin, who, after him, are in the immediate line of succession. Would it be possible to set aside the whole family because the reigning prince has sinned, and sinned alone? I conceive not; and if not, then the inconvenience of annexing his country to our own can form no element of consideration in the present case."

19. I do not presume to decide, with the information before us, as between the claimant under the adoption by Appa Sahib and the heir-at-law, or next of kin; but I must think that, if the adoption be set aside as invalid, the heir by blood must come in and succeed to the inheritance, and that consequently the principality cannot be rightfully resumed as an escheat to the British Government.

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* The Resident, Mr. Frere, in a very able letter of the 23rd September, 1848, urges strong reasons in favour of the adoption, and against the resumption of the principality by the British Government. He must be well aware of the feelings of the people.

3. *Dissent of the Hon'ble Captain John Shepherd, Director H. E. I. Company* dated the 6th January 1849 and published in the *Parliamentary Papers, Sattara Raj, pp.* 130—135.

(*Extract No.* 52.)

1. I desire to record my Dissent from the resolution of the Court approving the despatch, draft No. 9, to India in the Political Department, because,

First, I consider the resumption of the State of Sattara at variance with the spirit and letter of the treaty of the 25th September 1819, which was ratified by the East India Company with His Highness the Maharajah Pertaub Shean, and renewed and confirmed with Maharajah Shajee, commonly called Appa Sahib, on the 4th September, 1839. The very designation of the treaty announces that the objects contemplated by the British authorities were not of a temporary, but a permanent nature. It is headed, "Treaty of Perpetual Friendship and Alliance," between the Honourable East India Company and His Highness Maharajah Pertaub Shean, his "heirs and successors;" and by the first article, "the British Government agrees to cede in perpetual sovereignty to the Rajah of Sattara, his heirs and successors, the districts specified in the annexed Schedule."

2. These terms demonstrate that, at the period of contracting the treaty, the British authorities, as well as the Maharajah, must have viewed it as a solemn compact equally binding on both; it was impossible to have adopted language more expressive of a desire on the part of the British Government to maintain the Sattara state in perpetuity as a separate sovereignty.

3. If corroboration of this assumption were necessary, it is amply furnished in the Minutes and letters of Mr. Elphinstone and Lord Hastings, written at the time when the policy of the treaty was thoroughly discussed, previously to its ratification. If the chief object of the treaty had been the necessary provision of a certain revenue for the Rajah's comfort, the alternative of conferring upon him a suitable jagheer would have been a more appropriate method of effecting it; but the great political objects in view, which are clearly pointed out in Mr. Elpinstone's letter to Lord Hastings of the 18th June 1818, were most effectually accomplished by the treaty in question. That it was a sovereignty in reality, and not merely in name, is also evident from the circumstance of the boundaries of the Rajah's territory, comprehending within their limits extensive possessions of several chiefs and jagheerdars, who are distinctly placed under the Rajah's sovereignty. These chiefs,* six in number, paid no revenue to His Highness, and their possessions were guaranteed by the British Government, but in every other respect they were bound in allegiance to the Rajah of Sattara, as the paramount power, to which they were immediately subject; and moreover, the British Government, in Article 7 of the treaty, guarantee to His Highness the due performance of such services of fealty on the part of these chiefs. It is scarcely necessary, with the view of elucidating this part of the subject, to refer to the proceedings which took place in the year 1827, on the occasion of the Punt Suchew's application to the Rajah of Sattara for permission to adopt a son. On that occasion the Rajah of Sattara, stipulated for certain terms, as the conditions on which he was inclined to grant the indulgence. The Punt Suchew thought these terms too stringent, and appealed to the Bombay Government. Mr. Elphinstone, the original framer of the treaty of 1819, was Governor of

* The Raj of Akulkote. The Punt Suchew. The Punt Prithcenidhee. The Jagheerdar Duflays. The Jagheerdar Jan Rao Naik Nimbalka. The Jagheerdar of Shaik Meeré Waeekur.

that Presidency at the time, and his reply* to the Punt Suchew's appeal was to the effect, that although he, the Punt, held his jagheer on certain specified terms under the guarantee of the British Government, yet that on the failure of heirs it rested with the Rajah of Sattara to sanction the Punt's proposed adoption on his, the Rajah's, own terms, and that the British Government had not a right to interfere, unless there be a direct breach of engagement. Similar proceedings with other chiefs, such as that of Akulkote,† might be quoted in proof that the control exercised by the Rajah over these chiefs was *bonâ fide*, that of a sovereign over fiefs, and that the British Government fully admitted that under no circumstances, but a breach of the treaty of 1819, were they entitled to interfere in these internal arrangements of his Highness.

4. If then the treaty was intended to be perpetual, and if the sovereignty has not been forfeited by the last Rajah through any breach of the said treaty, can we with justice resume the territory on the ground of the failure of lineal heirs? It is contended that the words "heirs and successors" in the English copy of the treaty, comprehend only a son born in direct succession; but can it be presumed, that if Mr. Elphinstone and Lord Hastings had contemplated such a limited interpretation, they would have permitted the words "furzund," "waris," and "kaim-mukam," to remain in the Persian copy of the treaty, seeing that those words distinctly include "heirs general, and representatives," or would they have adopted terms so indicative of a desire to maintain the Sattara sovereignty in perpetuity, had they for a moment anticipated that future policy could dictate the resumption of the state as an escheat?

5. In my opinion, our records distinctly show that the object and intention of Mr. Elphinstone and Lord Hastings in 1818 and 1819, were to create and establish a permanent native sovereignty in the Mahratta country; that the wisdom and policy of the measure were fully approved and confirmed by the Home authorities, and that, consequently, we are bound in good faith not only to respect the terms of our own engagement but to act up fully to the spirit and intentions which animated these eminent statesmen. How different was the course pursued by the Court in 1838, to that which has now

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* Extract from a letter of Mr. Elphinstone, in reply to the Punt Suchew's complaint on the subject of a proposed adoption of an heir:—

"With regard, however, to the terms proposed to be annexed to the adoption, it must be observed, that, although you and your heirs are to hold your jagheer on certain stipulated terms, yet that on a total failure of heirs it must revert to his Highness, and that if his Highness allows it to be continued in such case by adoption, or otherwise, his Highness is at liberty to attach what conditions he thinks expedient to the permission. As to the terms, this Government has no reason to think that the Raja's demand will be unreasonable, and will recommend your case to his consideration. You, however must recollect, that you voluntarily preferred the Raja's sovereignty; the decision must therefore rest with his Highness, the British Government not being able to interfere unless there be a breach of engagement."

† Extract from a letter from Mr. Elphinstone, showing his opinion on the relative situation of the Akulkote chief, and the Raja of Sattara:—

"That the whole of the transactions have occasioned much regret to the Governor in Council, that the Raja's ancestors have from the first been servants of the Raja of Sattara, and that at the late settlement, when it was left to the choice of Futtra Sing Raja to become dependent on the British Government, or to remain under the Raja of Sattara, he preferred the service in which his ancestors had acquired distinction. That it is therefore inconsistent with Mallojee Raja's own good sense, and with the loyalty of his family, to enter into disputes with the Raja of Sattara; that he ought, on the contrary, to conciliate his Highness's good will in all respects, and to consider his prosperity as depending on the favour of his sovereign. That in the late affair he appears by no means to have remembered the respect due to the Raja of Sattara, and that he had every reason to be satisfied with the forbearance shown towards him: that the Governor in Council hopes that the Akulkotekur will henceforward pay more attention to conciliating his Highness' regard, and that, while he serves him with fidelity, he is sure of the Company's protection; but if he neglects the duty he owes his own prince, it will be impossible for the British Government to interfere in his behalf.

been resolved upon. In that year, when we had the claim of many of the Jagheerdars of the Deccan under our consideration, so desirous were we to act up to the full spirit of Mr. Elphinstone's intention, that we applied to him direct on the subject; the result of which was the subsequent reversal of the decisions of the Bombay Government, and the restoration to their lawful owners of several jagheers,* as per margin, which had been erroneously resumed. In the course of that correspondence the court distinctly state, "that Mr. Elphinstone's settlements should be in every instance respected."

* Viz. the estates of Sheik Meerans.
Do. Shumshere Beha-door.
Do. Yeswunt Row Dhebar-ryes.

6. Secondly, I dissent because I think the refusal on the part of the East India Company to sanction the late Raja's adoption of an heir to the principality, incompatible with the implied pledges by which our Government is bound to the people of India.

7. We ought not to forget that, during the rise and progress of our empire in the East, our Governments have continued to announce and proclaim to the people of India, that not only should all their rights and privileges which existed under preceeding Governments, be preserved and maintained, but that their laws, habits, customs, and prejudices should be respected. The privilege of adopting heirs to principalities and states, as well as to private property, has existed from time immemorial in Hindoo countries, and it is a privilege which is still dearly cherished by the people, not only as a civil right but as a religious duty. I admit that the practice of the British Government in India has not been uniform in reference to the sanction of adoptions. In some cases, we have acceded, and in others we have withheld our consent; but there is no instance on record of the refusal to sanction an adoption of an heir, or of the resumption of a territory, held by a sovereign under treaty.

8. The latest instructions of the Court on the subject of sanctioning adoptions generally, which I have been enabled to discover, are contained in our despatches of 11th June and 26th September 1834. I subjoin extracts in the margin,* and it will be observed that if we apply these instructions to the present case of Sattara, we should be bound in consistency to sanction the adoption of the late Raja; for every contingency and stipulation, required in the Despatch of September 1834, in order to render the sanction of Government desirable, exist in this case of Sattara. It is admitted by all the authorities in India, that it was the custom of former princes to sanction adoptions, that the country has been well governed by the late Raja, that he was a faithful ally to the British Government, and that the people of the state earnestly look for a continuance of his dynasty.

* Extract political letter to Bombay, dated 26th Sept. (No 11) 1834, para, 5 :—"On the subject of adoptions, our sentiments have been communicated to you in our letter of 11th June (No 8) 1831. We there stated it to be our wish, 'that whenever the tenure of the estate, and the custom of previous government are such, that the refusal of your permission to adopt would be considered an act of harshness, still more when it would be considered an injury, the permission should be given, but otherwise, not unless as a reward merited either by special services, or by general fidelity and good conduct, and especially by a good administration of the jagheer. It is your duty,' we added, 'not to violate any express or constructive right, nor to defeat any just expectation, but when your refusal to recognise an adoption would not have any such effect, we are not disposed to renounce the prospective claims of government, unless when the chief or family in whose favour the renunciation is solicited, may have deserved reward at our hands; and when this mode of conferring it is the most eligible in respect of the interests of all parties, including both the Government and the inhabitants of the jagheer: and we give our conditional sanction to the adoption of a son by Chenbamun Row, provided his case should, in your opinion, come within the above description. From the very favourable opinion which your President expresses of that chief, and of his administration, we have little doubt that under the above authority you would have decided the question in his favour, if the decision had not been rendered unnecessary by the birth of a son."

9. Of course, the remarks in Mr. Willoughby's Minute, regarding the conduct of the late ex-Raja, whether ill or well founded, cannot operate to the prejudice of his brother and his adopted heir.

10. I shall conclude my observations on this point, by stating that the Court, as far as I have been enabled to discover, have uniformly permitted the holders of enam* lands to adopt heirs, and even the widows of enamdars who have died without male issue. Is the tenure then of an enamdar more sacred than that of a sovereign prince, holding his territory under such a treaty as that of Sattara? On comparing the two documents, the usual enam sunnud and treaty, I find it impossible to come to this conclusion, and hence again I must assert that this resumption of Sattara is inconsistent with the previous instructions and practice of the Court.

11. Thirdly, I disapprove of the despatch, because I deprecate the policy of the proposed resumption, as involving the reputation of our Government, tending to shake the confidence of the princes and people of India in our good faith, and thereby alienating their attachment from the British rule.

12. It has been assumed that the annexation of the Sattara state will be a matter of indifference to all but the few whose interests may be immediately affected at Sattara. But the treaties of 1819 and 1839 are known to all India, and it is impossible that the most sanguine can imagine that the interpretation we propose to apply to them can meet with general concurrence. The native chiefs, and their numerous relatives and connections, whether dependent or otherwise on our Government, must view our ultimate decision of this case with intense anxiety; for they will naturally read in it the fate of their own heirs, as well as that of the heirs of the Raja of Sattara.

13. It has been also argued by the Council of Bombay, that circumstances are so greatly changed in India, and particularly on the western side and in the neighbourhood of Sattara, that the grounds of policy so generally approved in 1818 and 1819, no longer exist. It is true the power of the Mahrattas is reduced, but the propriety of maintaing the

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* Extract from Political Letter to Bombay, dated 28th February (No. 3) 1844, para. 39. Letter from dated 15 July, (No. 41) 1843:—"Discussions respecting the village of Derhoor, held in enam by the late Veshnoo Naik.

"Inquiry having shown that the right to sanction an adoption vested not with the Kooundue chief, but with your Government, you have permitted the widow Unpoorra Baee to retain the village during her life the question of adoption being reserved for consideration, in case she should apply for the permission, which, if the village be really enam, cannot, we presume, be with propriety refused."

Extract Political Letter to Bombay, dated 5th February (No. 5) 1845 para 31, regarding certain sunnuds held by the representatives of Devee Sing Row, Thokey Weswas Row, of Abhone, in Candeish. "If, therefore, these sunnuds are genuine, we do not think you could refuse the villages and umals to a son regularly adopted by the widows, and we recommend the case to your further consideration in connexion with the observations we have made."

Extract Political Letter to Bombay, dated 19th March (No. 8) 1845. Letter from, dated 10th October (No. 83) 1844:—

(68) Question of allowing an adoption by Uppoora Baee, the present holder of the village of Deshoor.

33. "The person whom the Baee wished to adopt is, it seems, not eligible by the Hindoo law, but we approve your intention of allowing an adoption, provided it be regularly made, and provided it can be shown that the village is really enam.'

Sattara State as a native sovereignty, still rests on the same general grounds of policy, which have been adopted and approved by all the most eminent of our Indian statesmen, among others by Lord Cornwallis, Wellesley, Hastings, Minto, Elphinstone, Munro, Malcolm, &c., &c.

14. Throughout the short period of the wonderful rise of the British power in India, our governments have adopted generally a system of decided conciliation towards the native princes, chiefs and people. The former were found the best instruments for conciliating towards us the good-will of their subjects. We managed generally so to combine their interest with our own, that they soon perceived that the success of our government proved the best source of benefit to themselves, and thus they became, in a manner, constituent elements of our system of Government. The language of Mr. Elphinstone was "that the British Government is uniformly anxious to promote the prosperity of its adherents, it being a maxim of its policy, that the interests of such persons should be as dear to it as its own."

15. I attribute to this system the first and more early co-operation of the natives generally in our progress. A perseverance in the same course of moderation and forbearance, a cautious abstaining from interference with the native religion, a scrupulous regard to the maintenance of our honour and good faith, an impartial administration of justice, and, in fact, the general kind and benevolent treatment of all classes, did not fail to win the confidence of the people at large. An immense native army, second to none in efficiency and discipline, and whose attachment and fidelity have stood the test of no ordinary temptations, have also been the fruits of this system, and at length we have the amazing spectacle of a vast country, consisting of 600,000 square miles, and containing upwards of 100 millions of inhabitants, governed through the medium of a handful of Englishmen.

16. May it not be fairly questioned, whether a system of universal conquest and assumption of territory would have been equally successful; and if so, whether it is prudent, even were it just, to deviate from this successful course? I am the last person to wish to derogate from the importance of "British bayonets" in India; without them we could have neither gained, or retained our magnificent empire. I am, however, equally persuaded, that a bare dependence upon physical force, either in early or later times, although it might, no doubt, have maintained the security of our factories on the coast, and fully vindicated our national power, yet under it, the civilizing influences of the British rule could never have been extended, and the range of our cannon must have continued to be the boundaries of our territory.

17. This may appear a digression from the subject under review, but I look upon the resumption of the Sattara state as a departure from that sound and conciliatory policy which I have alluded to, and at variance with the principles I have endeavoured to elucidate. I am ever anxious to cherish and inculcate the practice and observance of these principles, not only from a conviction of duty, but because I attribute to their predominance hitherto, under Divine Providence, the great power, strength and usefulness which the East India Company have exercised and enjoyed in India.

4. *Dissent of Major Oliphant, Director, H. E. I. Company,* dated the 5th January 1849 and published in the *Parliamentary Papers, Sattara Raj, pp.* 134-137.

(*Extract No.* 53.)

1. I cannot concur in the view taken by the majority of my colleagues on the important question regarding the Sattara State. First: Because after a most careful examination of all the documents bearing on the subject, I am satisfied, that Sattara was not a "dependent principality;" that, neither by the articles of the treaty, nor under the plea of being the paramount power, have we any right to interfere with the succession to the throne; and that the territory having been ceded to "the Raja of Sattara, his heirs and successors in perpetual sovereignty;" the British Government cannot, without a violation of the treaty, annex the territory to its dominions, so long as an heir is to be found.

2. These opinions are founded on the following facts;—The Raja of Sattara was, by virtue of his descent from Sewajee, the nominal head of the Mahratta empire; but, like his ancestors, had been excluded from all his powers in consequence of the usurpation of their sovereignty by their prime ministers, the Paishwas, who become the *de facto* rulers of the country; though they received the dress of investure from the Rajas, and rendered some other acknowledgements of dependency.

3. When in 1817-18, the Paishwa Bajee Row was in arms against the British Government, one of his first acts after the battle at Poona, was to secure the person of the Raja of Sattara, to cause him to accompany his camp, and thus to identify with himself the lawful sovereign of the empire. The representative of the British Government, the Hon. M. Elphinstone, fully sensible of the importance of this measure to the cause of Bajee Row, resolved to counteract it; and suggested to the Governor General "to set up the Raja of Sattara," with the view of bringing the war more speedily to a close by inducing the Mahratta chiefs to quit the Peishwa's standard. The suggestion was approved and the following proclamation was issued on the 11th February 1818:—

"The Raja of Sattara, who is now a prisoner in Bajee Row's hands, will be released and placed at the head of an independent sovereignty, of such an extent as may maintain the Raja and his family in comfort and dignity; with this view the fort of Sattara has been taken, the Raja's flag has been set upon it, and his former Ministers have been called into employment. Whatever country is assigned to the Raja will be administered by him, and he will be bound to establish a system of justice and order; the rest of the country will be kept by the Honourable Company."

4. At the battle of Ashta on the 19th February, the Raja of Sattara fell into our hands. He was conducted by Sir Lionel Smith to the British Camp, where he was received and treated as a sovereign prince, and on the 11th of April he was formally enthroned. A proclamation was issued in his name, calling upon all *jagheerdars* and others to withdraw themselves from the Peishwa, Bajee Row, on pain of forfeiture of their lands; and thus it was promulgated by the British Government, that the descendant of Sevajee was the rightful sovereign to whom allegiance was due.

5. On the 18th June 1818, Mr. Elphinstone stated his opinion to the Governor General,

that on account of the youth and inexperience of the Raja, it was necessary that the proposed territory should be placed for a time under British control, but added, "the Government, however, ought to be emancipated as soon as circumstances will admit of it, and to be placed on the same footing of independence as our other allies." In July 1818, the Governor General communicated to Mr. Elphinstone, "that he considered it to be essential to the respectability of the state of Sattara, to its efficiency as a subordinate ally of the British Government, and to the success of the whole arrangement, that while the Raja is politically controlled by the British power, he should feel himself, in his internal government, and in the exercise of his authority over his own subjects, free and independent." And on the 26th September, the Governor General "signified his entire assent to the force of the considerations which induced Mr. Elphinstone to extend the original objects of the establishment of the Raja of Sattara in an independent sovereignty, and the consequent enlargement of the territory to be conferred on that prince."

6. From these extracts, it appears certain, that it was the intention of the British Government to place the principality of Sattara on the same footing as any other of the so-called independent states; and that such also was the understanding of successive Bombay Governments, at least up to 1839, is equally certain, on the authority of the Governor's Minute of 19th June of that year, which states "we have always acknowledged him (the Raja of Sattara) as a sovereign prince, bound only by the terms of the treaty."

7. What then were the rights of the Raja? They stood co-jointly upon the general provisions of the Hindoo Law, and the special provisions of the treaty with us; and as by that law an heir adopted under the prescribed formalities stands upon the same ground as a born heir; and as by the treaty we did not reserve to ourselves the right to confer investiture on the occurrence of a vacancy to the throne, upon what possible pretence can it be said that the right of adoption is invalid without the consent of the British Government. The Raja's rights cannot be in any way affected by the fact that the territory was a free gift from us. When the Mahratta empire became ours by right of conquest, we might have reinstated the Peishwas in the whole of his possessions, or have bestowed them upon the Nizam for his fidelity to our cause, or have otherwise disposed of them as we thought fit, the gift would have been equally free; but it will hardly be contended that the territory howsoever bestowed would have become a dependency of the British Government, unless by the provisions of a treaty it had been so declared.

8. In the treaty with Cutch, framed by Mr. Elphinstone just one month after that with Sattara was concluded, the succession was limited to the "Raja and his legitimate offspring," and in the treaty with Colaba, framed also by Mr. Elphinstone, the British Government reserved to itself "entire supremacy over the Colaba state, and the right of conferring investiture on the chief of Colaba, on any vacancy of the musnud." From the latter treaty it is evident that entire supremacy was not considered to carry with it the right of conferring investiture, and from both it is plainly to be inferred, that it was not intended to limit in any way the succession to the Sattara throne, otherwise a stipulation to that effect would have formed an article of the treaty. It is true, that from a dread of the revival of the Mahratta confideracy, little real power was left to the Raja; the obligations imposed upon him by treaty were of the most stringent nature; he was bound to act in subordinate co-operation with the British Government, and to acknowledge its supremacy, but the same stipulation forms an article in each of the treaties made by Lord Hastings

at the same period, with the independent Rajpoot states; yet we never ventured to interfere with the succession to any one of them, on the plea of being the paramount power. Why then with Sattara? However stringent or even degrading to a prince the terms may have been on which the Raja agreed to accept his territory, still he was a sovereign; his sovereignty, such as it was, given in perpetuity, and the British Government is bound to respect any of the just rights of a Hindoo sovereign which are not barred by the treaty.

9. But it is said the Raja Purtab Singh was a traitor, was deposed, and the country reverted to those who gave it.

10. The Raja was indeed pronounced guilty, but those who were his judges did not venture to recommend that his territory should be annexed. "The Raja's friend," writes Sir J. Carnac,* "would say we pronounced him guilty with a view to our own advantage and aggrandizement; and this idea would probably be adopted by many an honest and independent man, who would consider the temptation to which we have been exposed too great to be resisted, and to have rendered us incompetent judges of the Raja's conduct."

* Minute 4th Sept. 1839

11. It was therefore determined "to maintain the integrity of the Sattara state, according to the treaty of 1819, in the person of some other member of his family" That person was Appa Sahib, the deposed Raja's brother, and the reasons for his elevation to the throne are thus recorded: "He was taken" says Sir J. Carnac, "because there was no choice, for in fact, there was only one person on whom the investiture could be conferred, namely, the Raja's brother."

30th June 1837.

12. Sir Robert Grant had previously pronounced a similar opinion. "The Raja is himself guilty but there is no evidence of guilt upon the part of his brother or his cousin, who after him are in the immediate line of Succession."

22nd A. C. P. T. 1837.

13. Again, referring to Balla Sahib Seenaputtee, "He is the near relation of the Raja, and supposing the Raja and the Raja's brother set aside, the proper representative of the family."

23rd D. E. C. 1838.

14. The Governor-General also concurred in the same view: "Should the Raja be found guilty, there is no one to whom the sovereignty could be transfered excepting Appa Sahib, the Raja's brother."

15. These authorities all agreed, that if the territory of Sattara was not to be forfeited on account of the alleged treason of Pertaub Singh, it must of necessity devolve upon the deposed Raja's brother, and to that effect a proclamation was issued by the Resident at Sattara, under the authority of the Honourable Sir J. R. Carnac, Bart., Governor of Bombay, dated the 5th September 1839.

"The British Government, having no views of advantage and aggrandizement, has resolved to invest the brother, and next in succession to the Raja with the sovereignty to the Sattara state, according to the limits fixed by the treaty of the 25th September 1819."

16. The stability of the Sattara state appeared to be thus ensured by the disinterested conduct of the British Government. The succession to the throne was maintained, and Appa Sahib, the "heir general," not the "heir lineal," of Purtab Sing, was formally enthroned.

By the death of that prince, however, without issue, the question of succession has again become the subject of discussion, and it is maintained that the territory, by failure of heirs, has lapsed to the power which bestowed it. The decision of the question rests with that power, and unmindful, it would seem, of the indisputable fact, that had we never interfered with that unfortunate family, there would have been at this moment a Raja of Sattara, either by adoption or succession it is determined not only to constitute ourselves, by our own fiat, "lord paramount" of the Sattara state, in order that we may put our veto on adoption, but also to exclude the claims of collaterals, "because none of them are descended, from Purtab Sing, the person in whose favour the principality was created."

17. The evidence of the Governor-General Lord Hastings and of Mr. Elphinstone, has already been adduced in proof that Sattara was intended by them to be an independent, state; it remains now to controvert the assertion that collateral claims are inadmissible which I maintain to be in opposition to the plain meaning of the treaty, and to the intentions of those who framed it.

18. The principality was created not for the individual, Purtab Singh, but for the Rajah of Sattara. "It was founded," says Mr. Elphinstone, "to afford an honourable maintenance to the representatives of the ancient princes of this country, to establish among the Mahrattas a counterpoise to the remaining influence of the former Brahmin Government, and to remove from the minds of the Mahrattas the dread of the complete extinction of their national independence, and still more, that of the entire loss of their means of subsistence." With these objects in view, the territory was ceded, by the first article of the treaty, "in perpetual sovereignty to the Rajah of Sattara, his heirs and successors." It was impossible to have made use of words less likely to be misunderstood; yet it is now contended that the succession was to Purtaub Sing and his lineal descendants alone; as if it could be believed that Mr. Elphinstone, the eminent statesman who created the principality for the benefit of the Mahrattas, should have so limited the succession, as that by the death of Purtab Singh the perpetual sovereignty might have come to an end before the ink was dry on the treaty which established it. Any such limitation would have been utterly inconsistent with the objects for which the sovereignty was created, and the Bombay authorities of the day plainly admitted the real intentions of the treaty, when they recorded their opinions, that on the deposal of Purtab Singh, Appa Sahib was, by reason of his consanguinity, the only person on whom the sovereignty could be conferred. He succeeded therefore as next of kin to Purtab Singh; and as the first article of the original treaty, which cedes the territory "in perpetual sovereignty to the Rajah of Sattara, his heirs and successors," was expressly confirmed to Appa Sahib, it follows that his heir has the undoubted right to the Sattara throne. Under the rule of the Peishwas, the usurpers, the lawful succession to the titular sovereignty of Sattara was respected during the whole period that the Rajahs were in confinement; under the British rule, when they were released and placed at the head of a portion of their ancient possessions, which was to be their sovereignty for ever, the succession is to be arbitrarily set aside, and the territory to revert to the power which gave it.

5. *Dissent of the Hon'ble Mr. W. Melville, Director, H. E. I. Company,* dated the 9th January 1849 and published in the *Parliamentary Papers, Sattara Raj, pp.* 137-141.

(*Extract No.* 54.)

I dissent from the draft which passed the Court on Wednesday, the 3rd January 1849, directing the annexation of the territory of Sattara to the British empire in India, for the following reasons:

By the treaty of the 25th September 1819, Article I, "the British Government agrees to cede in perpetual sovereignty to the Raja of Sattara, his heirs and successors, the districts specified in the annexed Schedule."

II. "The Raja for himself, and for his heirs and successors, engages to hold the territory in subordinate co-operation with the British Government, &c." The treaty then enumerates the conditions and limitations agreed upon by the contracting parties.

2. The Raja having been charged with a breach of these conditions, was deposed, and on the 4th of September 1839, a treaty was entered into with his brother and successor, by which all articles of the original treaty, "which are not abrogated or modified by the present supplemental treaty are hereby confirmed." The modifications merely relate to some small districts, which are transferred to the British Government.

3. On the 5th of April 1848 the Raja of Sattara, with whom the last-mentioned treaty was made, died, leaving no heir of his body. A few hours before his death, however, being in full possession of his faculties, he adopted a son and heir, possessing a legal capacity of being adopted, and with all the ceremonies prescribed by the Hindoo law and religion, to give validity to the act. There seems to be no doubt that the adopted son is the legal heir to all the late Raja's personal property. But a question has arisen, as to whether he is also entitled to the territory of the Sattara state, or in other words, whether the British Government can, in justice and in right, refuse to sanction such succession to the sovereignty, and annex the territory to its own dominions.

4. It will be perceived that I am of opinion, that if the adoption of a son of the late Raja's successor to the territory is valid according to the law and custom of the country, it is good against all the world; and that neither the adopted son or the ex or deposed Raja, who, having no title himself, could transmit none, nor any collateral relative of the family, to whom an adopted son is by law preferred in the succession, can have any claim.

5. I would have wished that an opportunity had been allowed to any party to state his own claim, and his objection to the pretensions of others, to the Government abroad. This must have added somewhat to the bulk of the collection of papers, though Mr. Frere considers that the collateral relations would not think of contesting the claim. But with such pleadings, and the remarks of the local officers, and of the Indian Governments, we should, I think, have had the great points of the case laid more completely and distinctly before us.

6. I propose first to make a few remarks on the treaty, and on the law of the country by which effect is given to the treaty; and secondly, on the objections which have been offered to permitting the adoption.

7. I may begin by observing that the British authorities, in exercising the highest and most delicate of all the functions of Government; viz, that of deciding between itself and a weak and helpless neighbour, is bound to be guided by those clear and acknowledged principles of public law which have been declared by authority and recognised by custom. According to these, nothing latent nor dormant, brought forward to meet the emergency, should be addmitted into the discussion; and distrust of the disposition inherent in all governments to add to their territories, should find a place, in coming to a decision.

8. It would seem scarcely necessary to say anything regarding the terms of a treaty clear in themselves, and which has regulated the relations between the British Government and the Sattara Raja for 30 years. I have heard it urged however, not in the papers, that this sovereign's powers were so restricted by the prohibition to entertain troops, and to correspond with other powers, while he was bound to be guided by the advice of the British Agent, that the words "perpetual sovereignty" do not mean "perpetual sovereignty," and in fact have no meaning at all. But surely it was not thus that Mr. Elphinstone made treaties, or the Marquis of Hastings ratified them. Those eminent men well knew what they intended, and what they signed. Apply, too, the law applicable to all treaties, that, "it is not allowable to interpret what has no need of interpretation." It is not an inference, but a fact, that this territory of Sattara was ceded "in perpetual sovereignty" to the Raja, "his heirs and successors," with all the rights and functions of sovereignty, except where expressly limited by the other articles of the treaty. In accordance with this principle of the treaty, the Court, on the 7th of April 1841, declared that "we do not now feel that we have any concern with the favours which the Raja of Sattara may think fit to confer upon his own subjects, except in so far as our general right of giving advice might require us." If these words are not to be received by us in their plain and obvious meaning, what words can bind us? What engagement may we not scatter to the winds? What security is there for any right existing under the British Government in India?

9. Another doubt has arisen as to the meaning of the word "heirs" in the cession of "perpetual sovereignty" to the Raja, "his heirs, and successors." The terms are stronger in the Persian version of the treaty, but I am quite willing to take the English version. These words are then to be understood, as they were unquestionably by both parties to the treaty, according to the law of nations, as applied to India, or as it may be more simply expressed, according to the law and custom of India.

10. Now the word "heir" when used in India, means either an heir of the body, or an heir by adoption. Both are equally rightful heirs, and it is difficult to convey to English minds the validity of the relationship severed and created by the tie of adoption. Except in regard to marriage, and the collateral descent of property, the paternal relation ceases to exist between the adopted son and his natural father, and the son belongs exclusively and entirely to the adoptive father. A well-known case from the books may illustrate this:— A. and B. were brothers, A. had two sons, C. and D., B. was childless. B. adopted one of A's sons, C; and some time after, the son remaining with A. (viz, D.) died. Under these circumstances, C. could not succeed to A. as his son, but only as his nephew, through A's brother, B.

11. Such is the law, and such is the custom throughout India, and it is the respect we have shown for these laws and usages, which in the eyes of the natives, serves in some degree to mitigate the enormous evils of foreign domination. Such, too, is the law of the state of Sattara, for the late Raja's father was thus adopted in 1777.

12. Here then we have a sovereign, in full possession of the territory ceded to him by the British Government, and in full possession of his faculties, providing himself with an heir in strict accordance with the treaty, and with the law and custom of India; and in so far we are, I think, bound by the treaty, and by justice and good faith, to recognise that son as successor to the territory of Sattara. I regret that a review of his pretensions is not distinctly made in the papers before us, and the more so, because reasons so strong as to overrule them have been stated by the very highest authorities in India. I will now proceed to examine those reasons, with the unfeigned respect I entertain for those authorities, but with the freedom required in a public man called upon to discuss a great public question.

13. The Supreme Government of India has declared that an adoption is of no power or effect until it has "received the sanction of the sovereign power," with whom it rests to give or to refuse it; and even Sir George Clerk, who declares himself in favour of recognising the adoption, admits that an adoption is only valid if sanctioned by the paramount power, viz. the British Government. This seems the chief reason for refusing to sanction the adoption, and I must therefore examine it in some detail.

14. In the first place, I think we ought to lay aside the European feudal terms which run through the papers, of "lord paramount," and of "suzerain," and of regarding Sattara as "a fief" as unsuited to a question of adoption under the law and custom of India. "Parallels of this sort rather furnish similitudes to illustrate or to adorn, than supply analogies from whence to reason." But these terms mislead us also, by assuming the existence in India of a system of order and of regulated right in the relation between one great emperor and other minor sovereigns, which I believe never existed, and certainly not for the last century; on the contrary, any system of rights is entirely at variance with the lawlessness and anarchy which prevailed when our political connexion with India commenced. The only law then recognized was the law of the strongest; on this ground it seems to me visionary to talk of rights held under the emperors or the Mahrattas, and derived by us from them.

15. Nevertheless, it is stated that we are lords paramount in relation to Sattara, 1st. As successors to the emperors. I have just now shown, however, I think, that there was no paramount sovereignty for us to succeed to. We have conquered a large portion of the territory which the emperors once possessed, not from them, but from other powers who had seized them. We are thus become the predominant or paramount power in India, and able to throw our weight into the scale of justice and order, when any dispute is likely to disturb the general peace. In this sense we may be said to be successors to the emperors, but not to any constitutional prerogatives which confer on us rights as lords paramount.

16. Again, if we have any claim to succeed to such rights from the emperor, we must either have obtained them from him by grant or treaty, or have received some formal submission from other sovereigns, or else some implied grant or submission of the kind. If so, where and when did all this occur? But there is no trace to be found of any such grant, or of any such submission; and a mere general rumour or impression, such as is described by the Members of the Bombay Government, should not surely be allowed for a moment to affect that great and obvious principle of public law, thus expressed by the writers of Europe, that "one party to a treaty cannot be allowed to introduce subsequent restrictions which he has not expressed."

17. It is stated, secondly, that we stand in the relation of lords paramount to the Sattara state, as successors to the Peishwas. In name, the Peishwa held his territory of the Raja, not the Raja of him; in fact, the Raja held no territory at all. We swept away for ever these cobwebs, and established by treaty fresh relations with the Raja, with which his connexions with the Peishwa, as his sovereign or as his prisoner, had nothing whatever to do.

18. Thirdly, we are said to be lords paramount over Sattara, as grantors of the territory. The only right, if it has any, the British Government, as grantor of the territory in perpetual sovereignty can claim, must be to the reversion of that territory on the total extinction of the grantees. But we have no right on this ground to interfere with the lawful succession, and no previous sanction of ours is necessary to complete a title otherwise legal. All we have a right to do is to reject any fraudulent pretenders that may be set up to the injury of our own right of succession.

19. I have dwelt fully on this point, because I must repeat, that it seems to me that the error in this case has arisen chiefly from confounding the British Government as "lord paramount," with the British Government as the paramount or predominating power in India. It certainly is the latter, and in that capacity the extent and limit of its authority are, as far as possible, defined and known. But the assertion of this new and undefined prerogative as lord paramount, is calculated to spread alarm and distrust among the native powers, which I cannot contemplate without deep pain and sorrow.

20. In regard to the other points urged in the papers, I cannot admit the incidental remarks of the late Raja to Mr. Frere to be entitled to any weight in determining the validity of the adoption. His Highness was, as stated by Mr. Frere, known for his steady attachment to the British Government; and feeling the full extent of their power, while he probably doubted their intentions, he sought, in the true spirit of an oriental, rather to propitiate them by asking for a favour, than to offend by claiming a right. The dying expressions of a fast though powerless friend of the Government, are entitled to all respectful attention, but should not be employed to determine against him a great question of public law.

21. As for precedents, it is urged in the papers that the British Government refused permission to adopt in the petty state of Colaba. But in the treaty with it in 1822, the British Government reserved to itself not only "the entire supremacy over the Colaba state" but "the right of conferring investiture on the Chief of Colaba on any vacancy of the musnud." So in the treaty with Cutch, passed within a month of the date of the Sattara treaty, the succession is limited to the "legitimate offspring" of the Raja. Can there be any doubt of the intention in excluding all such restrictions from the Sattara treaty?

22. After the remarks I have made in the progress of this paper, I need hardly observe, that jagheers and other tenures held of sovereigns in India, furnish no argument nor analogy whatever in regard to a territory ceded in "perpetual sovereignty" to a Raja, "his heirs and successors." The first depend upon the laws of a particular state, and are liable to vary; the second is written in the public law of the world, and cannot be altered by either party unless the conditions of the cession are infringed.

23. Neither can I consider an incidental remark in a Minute by a late Governor of Bombay as of any weight in determining this great question. It rests on grounds

of public law, to which he obviously had not adverted; and he states, indeed, that an examination of the subject would at that time be premature.

24. I have omitted to advert to the expediency of continuing a raja, or of annexing the territory, considering the question to rest on higher grounds, and also that it thus admitted of a more categorical decision. But I must be permitted to quote the remarks of the highest authority, the intelligent British Resident, Mr. Frere, as to the character of the rule of the late Raja, and the view which will be taken in that country of "annexation." "The late Raja," he says, "having been a liberal and humane, a just and popular ruler, any supposed want of equity in the appropriation of his dominions, whether by absorption into the Company's dominions, or by transfer to a rival and inimical party, will lack the popularity which a similar measure, whatever its grounds, would always find among the industrious and peaceful inhabitants of a state delivered from anarchy or oppression. Moreover, as he was celebrated for his attachment and submission to the British Government, the measure will not find the excuse which all men make for a power ridding itself, even by means they disapprove, of a troublesome or dangerous neighbour; and which was certainly made by a large number of the ex-Raja's own friends, on the occasion of his deposition."

25. After a full consideration of the whole of these papers, I feel it a duty to repeat the expression of my regret that the relations existing by treaty between the British Government and the Sattara State, were not subjected to a more rigid scrutiny during the discussions in India. Mr. Willoughby, for instance, commences his Minute of observing that the question regarding Sattara, "does not affect that state exclusively, but raises the general question of what is the right policy to be pursued towards any other native state of India under similar circumstances. In other words, it raises the question whether, on failure of heirs natural, it is expedient to absorb them in the general sovereignty of the Anglo-Indian empire, or to continue them by the Hindoo custom of adoption." He then proceeds to argue the question on these premises.

26. To me it appears, however, that a more careful examination of the terms of the existing treaty, as noticed in the course of this paper, would have shown that it is altogether distinct and peculiar, and I know no other resembling it. The importance of this case as a precedent, in my humble judgment, depends not on its tendency to settle other cases, but on its tendency to unsettle them.

27. This omission, to begin with the beginning, has to my mind, given an appearance of the want of a calm and impartial examination of the claims of the weaker party, which I am persuaded was never intended by the stronger. It has also given rise, in my mind, to very grave doubts, whether, in the draft which has passed, we have adequately discharged the highest and most sacred of all our duties, the due maintenance of the public faith. There seems to me something, at least, wanting of that invariable constancy in fulfilling our engagements, which, I trusted, was indelibly stamped on the national character, and which has so largely contributed to raise us to our present elevated position, both in civilized Europe and in less civilized Asia.

28. In regard to our claims as lords paramount, I trust they will not be treated thus incidentally only, and that they are not now to be laid aside until another case calls them forth. Let them be carefully examined, and if found well founded, let their validity and their limits be declared, or let them be at once disallowed, if unfounded.

I dissent from the draft.

Dissent of Major General Caulfield, C. B., Director, H.E.I. Company, dated the 6th January 1849 and published in the *Parliamentary Papers, Sattara Raj, pp.* 141-144.

(*Extract No.* 55.)

1. I have read the proposed despatch to the Governor-General of India, on the subject of the adoption of an heir by the late Raja of Sattara, and shall now proceed to examine the question as briefly as possible. The despatch assumes the question in this case to be, "whether the Government is bound by treaty, or other positive obligation, to allow the transmission of the Sattara Raj to adopted heirs;" secondly, "assuming that we are free from any such obligation, whether such transmission would be expedient."

2. The despatch further assumes, "that as the adopted son is not descended from the person in whose favour the principality was erected, the Raj has lapsed to the paramount authority by the failure of heirs," and therefore directs its annexation to the British dominions. It is maintained also, that the sanction of the paramount authority is necessary to render the succession of the adopted heir valid. I contend that such is not the case, and that we are not justified in withholding our sanction, unless the previous usage of the state interested in the question can be shown to justify our refusal. If this cannot be done, is there anything in the ceremony of the adoption by the late Raja that vitiates affiliation, and justifies our excluding the adopted child? If there is not, what case of expediency can be brought forward to justify our proceedings in the eyes of those powers over whom we exercise a paramount authority? If we cannot establish such a case of expediency as will protect our conduct against reasonable doubts as to the motives by which we are actuated, we cannot fail to damage the character of our Government in the estimation of the whole of our Indian empire.

3. The reasoning of Sir George Clerk, in the 7th para. of his Minute, is distinct and satisfactory, and does not leave a doubt in my mind of the usages of the country, and the feelings of the people.

4. The sovereignty of Sattara was erected for an avowed political purpose, and effectually secured the object entertained by the Government of that period. It was proposed and advocated by two distinguished servants of the state, Sir Thomas Munro and the Honourable Mountstuart Elphinstone, approved by Lord Hastings, and ratified by the Court of Directors. The sovereignty of Sattara was assigned in perpetuity to the Raja, his heirs and successors, without limitation as to the description of the heirs to which the treaty referred. Hence it is obvious that the usage of the state of which he is the head, must be the rule by which the right of adoption can alone be determined. The treaty pledges the Raja, his heirs and successors, to hold the territory conferred upon him in subordinate co-operation with the British power, but there is not in any part of that document an allusion to any limitation of what is ment by "heirs and successors." I would here ask, what is the meaning of co-operation? Obviously that the contracting parties were to unite in obtaining a common object. That word, then, cannot give the British Government any right to expect the heirs of the late Raja to submit to an act in which he had no part. The very term establishes a certain degree of independence, and invests him, substantially, with the power of adoption.

5. The policy that influenced the Honourable Mountstuart Elphinstone and Sir Thomas Munro, in 1818, may or may not be deemed expedient in 1848; but this is not the question. What we have now to consider and determine is, can we, to suit our altered views and supposed convenience, abandon, without showing sufficient cause, a principle proclaimed and acted upon in 1818, and retain the reputation of our Government throughout Asia for unimpugnable good faith? If we cannot abandon the principle on which we then acted, without exposing the British Government to imputations inconsistent with good faith, it is evident that, even on the low ground of expediency, we should maintain a strict adherence to that principle. The 26th, 27th, 28th, and 29th paras of Sir G. Clerk's Minute, seem to me decisive on the subject, and prove that we are bound, by a due regard to the character of our rule, and our national honour, to adhere to the obvious meaning of the terms of the treaty, and to sacrifice pecuniary advantage, and every other consideration, at the shrine of our integrity and good faith, the very life and soul of our national honour in the estimation of our Asiatic subjects, and the bond by which alone we can expect to maintain their allegiance.

6. Mr. Reid, in his Minute, appears to consider the question of succession one of expediency, which is, to say the least of it, a most questionable doctrine. There is, or there is not, a right; if there is, it cannot be set aside by mere speculative notions of expediency. The concluding paragraph of Mr. Reid's Minute advocates the annexation of the Sattara territories as the means of replenishing our exchequer, and improving the geographical position of that part of our dominions. There are, however, higher considerations by which the proceedings of a great Government should be regulated. Are the sacred principles of justice to be disregarded? Are generous and honourable motives to exercise any influence over our conduct towards those states who are our inferiors in civilization and power?

7. Mr. Willoughby in the second paragraph of his Minute, says, "The present question raises the general one, of what is the right policy to be pursued towards other native states under similar circumstances?" We should bear in mind that it raises the much more important question, of—what ground will the native states throughout our empire have for confiding in the principles by which we are or may be actuated, and in the faith of our treaties with them, when our own interests would seem to lead us to disregard such arrangements? If there be one class of the people of India more deserving than another of our indulgent consideration, it is our allies exercising sovereign rights in subordinate co-operation with the British Government. What can demand more serious and anxious deliberation than measures disposing of the thrones and kingdoms of our allies? They have little to rely upon for their preservation beyond the good faith and justice for which our country is renowned. Let our actions be such as to shake public confidence in the integrity of our engagements, and we denude ourselves of the most powerful means, next to the sword, by which we have hitherto retained our dominion. Mr. Willoughby, in the 9th para of his Minute, divides the question at issue into two parts; first, "Whether the Sattara Raja had an inherent right to adopt a son, and to convey to him the right of succession;" second, "Whether it is incumbent on the British Government to grant that right, presuming that he did not possess it." He then declares his opinion to be, "that he did not possess it, and that it was not expedient to invest him with it," and assumes that it was a spontaneous act of liberality on the part of the British Government that placed him on the musnud. Now it is manifest, from the report of the Honourable Mountstuart Elphinstone to the Supreme Government, that it was expediency alone that induced the British Government to invest the Raja of Sattara with sovereign rights. He was proclaimed the head of the

Mahratta empire, to withdraw the allegiance of the army and people from the Peishwa, and thereby enable the British Government to bring an expensive war to a speedy conclusion.

8. Mr. Willoughby argues that "in conferring the country upon the Raja, we did not confer the right of adoption." I contend that, having conferred the country in perpetuity, without limitation on the Raja, his heirs and successors, and without defining our meaning as to the term heirs, we cannot now, without cause, deprive him of the rights with which we invested him and which are in unison with his religion, and the usages of his caste, tribe, and country. I contend further, that these rights render his adoption of an heir beyond the power of our legitimate control, and that the adopted child becomes his legal heir, successor and representative, civilly and politically.

9. The arguments used by Mr. Willoughby, in the 15th para. of his Minute, bear exclusively upon grants to subordinate officers; and the rights which they confer are so totally different in character to those appertaining to a prince exercising sovereign privileges, as not to admit of comparison.

10. In the 29th para. of his Minute, Mr. Willoughby grounds his opinion against allowing the adoption upon the fact, that we are now, after a lapse of thirty years, in a position that enables us to dispense with the aid of the Raja of Sattara's influence, and are therefore at liberty to resume a grant, made at a period when our political relations with the Mahratta Government rendered an alliance with the paramount authority of that state, a matter of vast importance. I am sure it would be superfluous to comment upon such a course of reasoning.

11. In the 32nd para. of his Minute, Mr. Willoughby states as his opinion, that the question of adoption ought to be decided on the principle of what is best for the empire at large. I cannot concur in this view, as the matter can only be disposed of with regard to the real rights of the parties concerned; I contend that we are not in a position to withhold our assent, as the first Article of the treaty invests the Raja, his heirs and successors, in perpetuity, without reserve or limitation, with the sovereignty of Sattara. The language is plain, and not to be misconstrued. Its meaning stands out distinct and prominent, and is supported by truth and justice, and claims from us the homage of our acquiescence. We see here that the treaty gives the sovereignty of Sattara to the Raja, his heirs and successors, in perpetuity. How, let me ask, is this to be perpetuated? The heirs of his body may become extinct, in failure of which, adoption is the only means by which it can be perpetuated. Hence the very meaning of the term perpetuity invests the Raja with the power to adopt.

12. On the Minute of the Governor of Bombay, I shall only observe that the 9th para, referring to the embarrassed state of our treasury, evidently exercises an undue influence over his Lordship's judgment.

13. The view taken by the Governor-General, as expressed in the 33rd para. of his Lordship's Minute, demonstrates that great caution is requisite in receiving it as a justifiable ground for resuming the Sattara sovereignty, pointing out, as it does, the pecuniary and geographical advantage that would be derived from the incorporation of the Sattara territories with our dominions.

14. Waiving every consideration as to the right of adoption in the present case, it seems to my apprehension impossible to suppose that the British Government could contemplate creating (and investing with sovereign authority) a Raja of Sattara,

without having previously entertained some fixed notion as to the object of such an important measure, involving as it did, consequences of the most serious nature. It would be branding the Government with the stigma of caprice, to presume that the Raja of Sattara was elevated one day to be degraded the next, when his temporary existence had accomplished the motives which induced the British Government to rescue him from the surveillance in which he was detained, and place him in triumph upon a throne.

15. Much stress is laid upon the custom, of the consent of the paramount lord being necessary to stamp with validity the adoption of an heir by an inferior chief or dependent. It remains, however, to be shown and established, that the assent of the lord paramount is held to be indispensable to the validity of an adoption by a sovereign prince. I apprehend that not one instance of such a fact can be shown; if there can, I solicit its production. The case of Holkar, to which reference has been made, being of a character that I cannot admit to be a fitting precedent to influence this Court in the adjudication of a matter involving the rights of our allies, the stability of our sway, and the honour and reputation of our Indian Government. I presume to maintain that there is a broad and distinct difference in the opinions of the princes of India, between affiliation on the part of Jaghoerdar, or other inferior chief or dependent on a lord paramount, and the adoption of heirs by princes exercising sovereign authority.

16. Mr. Willoughby, in the 10th para. of his Minute, refers to the information collected by Mr. Hart, Enam Commissioner in the Southern Mahratta States. This report is stated to refer to the principalities of Gwalior, Indore, Mahidpore, Bundlecund and Rajpootana. I have asked for this Report, but it is not in this House. I shall, however, take it upon myself to doubt that it can contain one instance of a sovereign prince's adoption of an heir being opposed, and to aver that the princes at the head of the Rajpoot states and Mahratta empire, in their most palmy days, never withheld their sanction to the adoption of a prince exercising sovereign authority; and for the best reason, an attempt to do so would not have failed to unite the secondary states in a fierce opposition to such an unusual and unjust act of arbitrary power. I believe that our refusal to sanction the adoption of an heir by the late Raja of Sattara, is against usage, and opposed to the received opinions of the princes of India, and can not fail to shake their confidence in the rectitude of our proceedings.

17. Mr. Frere, in the 8th paragraph of the recapitulation of the main points of his despatch, No. 86, 18th August 1848, referring to the adoption of sons by the ex and late Raja of Sattara, observes, "If the adoptions be set aside, there are numerous male blood relations whose claim to be considered the nearest heir male is equal, and in many cases superior to that of either of the adopted boys." Again in his despatch, No. 95, 5th September 1848, referring to the foregoing adoptions, he remarks, "I have hitherto abstained, from obvious reasons, from putting them on their defence, and till they are in such a position, it is clearly hardly safe to conclude that all that can be said in their behalf has been stated."

18. From this it would seem deducible, that there are *male blood* heirs to the raj, if the adoption be arbitrarily set aside. I therefore conceive that the decision at which this Court has arrived, is premature; and for this and other reasons contained in this paper, do, with great deference and reluctance, protest against it, and beg that this, my dissent, may be recorded.

7. *Extract from the Dissent of the Hon'ble St. George Tucker*, against the deposition of the Rajah of Sattara, dated the 1st April 1840 and published in the *Parliamentary Papers, Sattara Raj, pp.* 1254 and 1267.

(*Extract No.* 56.)

It may be urged that the Raja of Sattara is not an independent prince, that he only held during good behaviour, a territory which we had spontaneously conferred upon him, and that he was liable to be set aside and deprived of his principality whenever he infringed the strict letter of his engagement; but it is too late, I apprehend, to assume this high ground. Why did we contract a treaty with the Raja? Was this treaty a mere mockery? Why did we maintain a Resident at his Court? If he only held a fief or jagheer, resumable upon proof of misconduct, the case might have been dealt with in our Courts of Justice. But in truth, the elevation of the descendant of Seevajee to a station of high rank and dignity was as much an act of policy as of humanity; a policy intended to conciliate the Mahrattas, and to neutralize any remnant of influence which might still attach to the ex-Peishwa Bajee Rao, who had engaged in a treacherous confederation against us, and had levied open war upon the British power.

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The Government of Bombay seem indeed to anticipate that the principality may escheat at no distant period to our Government by the demise of Appa Sahib; but the principality is hereditary, and should the Raja leave no issue or natural heirs, he may adopt, and adoption with a Hindoo is not only a right but a duty. I have the highest authority for stating that, even in the case of a fief, or dependency, a legal adoption cannot be barred by the Government or Lord Paramount.

8. *Extract of Minute by Sir Robert Grant, Governor of Bombay*, dated the 30th January 1837, in connection with the case of the Maharaja Pratab Sing, recording his opinion that the sovereignty of Sattara could not be annexed even after the Maharaja's deposal: published in the *Parliamentary Papers, Sattara Raj, p.* 54.

(*Extract No.* 57.)

Without reference, however, to the general considerations on which I have touched, there are particular circumstances which would make it *difficult for us to appropriate the Sattara territory to ourselves.* The Raja is himself guilty, *but there is no evidence of guilt on the part of his brother or his cousin, who, after him, are in the immediate line of succession.* Would it be possible to set aside the whole family because the reigning prince has sinned, and sinned alone? I conceive not; and if not, then *the convenience* of annexing his country to our own can form no element of consideration in the present case.

The question as to Balla Sahib Sennaputtee (his cousin), which Colonel Ovans discusses in his 12th and four following paragraphs, is, in my opinion, far more doubtful. He is the near relation of the Raja, *and supposing the Raja and the Raja's brother set aside, the proper representative of the family.*

9. In a work on the Indian Mutiny of 1857 entitled the "Sepoy War In India" by Mr. Kaye—who assigns the principal cause of the Mutiny to be the annexations of the principalities and territories of several Princes and Chiefs of India—at pages 69-75 of the 1st volume of that work (4th edition) he has the following regarding the unjust annexation of Sattara.

(*Extract No.* 58.)

So, three years after his arrival in India, Lord Dalhousie had brought to a close two great military campaigns, and had captured two great provinces. He had then done with foreign wars; his after career was one of peaceful invasion. Ere long there was a word which came to be more dreaded than that of conquest. The native mind is readily convinced by the inexorable logic of the sword. There is no appeal from such arbitration. To be invaded and to be conquered is a state of things appreciable by the inhabitant of India. It is his "Kismut;" his fate; God's will. One stronger than he cometh and taketh all that he hath. There are, however, manifest compensations. His religion is not invaded; his institutions are not violated. Life is short, and the weak man, patient and philosophical, is strong to endure and mighty to wait. But LAPSE is a dreadful and an appalling word; for it pursues the victim beyond the grave. Its significance in his eyes is nothing short of eternal condemnation.

"The son," says the great Hindoo lawgiver, "delivers his father from the hell called Put." There are, he tells us, different kinds of sons; there is the son begotten; the son given; the son by adoption; and other filial varieties. It is the duty of the son to perform the funeral obsequies of the father. If they be not performed, it is believed that there is no resurrection to eternal bliss. The right of adoption is, therefore, one of the most cherished doctrines of Hindooism. In a country where polygamy is the rule, it might be supposed that the necessity of adopting another man's offspring, for the sake of these ceremonial ministrations, or for the continuance of an ancestral name, would be one of rare occurrence. But all theory on the subject is belied by the fact that the Princes, and Chiefs of India more frequently find themselves, at the close of their lives, without the solace of male offspring than with it. The Zenana is not an institution calculated to lengthen out a direct line of Princes. The alternative of adoption is one, therefore, to which there is frequent resort; it is a source of unspeakable comfort in life and in death; and politically it is as dear to the heart of a nation as it is personally to the individual it effects.

It is with the question of Adoption only in its political aspects that I have to do in this place. There is a private and personal, as there is a public and political, side to it. No power on earth beyond a man's own will can prevent him from adopting a son, or can render that adoption illegal if it be legally performed. But to adopt a son as a successor to private property is one thing, to adopt an heir to titular dignities and territorial sovereignty is another. Without the consent of the Paramount state no adoption of the latter kind can be valid. Whether in this case of a titular Prince or a possessor of territorial rights, dependant upon the will of the Government, Hindooism is satisfied by the private adoption and the penalties of the sonless state averted, is a question for the pundits to determine; but no titular chief thinks the adoption complete unless he can thereby transmit his name, his dignities, his rights and privileges to his successor, and it can in no wise be said that the son takes the place of his adoptive father if he does not inherit the most cherished parts of that father's possessions.

But whether the religious element does or does not rightly enter into the question of political adoptions, nothing is more certain than that the right, in this larger political sense, was ever dearly prized by the Hindoos, and was not alienated from them by the Lord Paramount who had preceded us. The imperial recognition was required, and it was commonly paid for by a heavy "nuzzerana," or succession duty, but in this the Mogal rulers were tolerant. It was reserved for the British to substitute for the right of adoption what was called "the right of lapse," and in default of male heirs of the body lawfully begotten to absorb native principalities into the great amalgam of our British possessions. "In 1849," wrote Lord Dalhousie, in his elaborate farewell Minute, "the principality of Sattarah was included in the British dominions by right of lapse, the Rajah having died without male heir. The princes of Sattarah were the descendants of Sevajee; the founder and the head of the Mahratta Empire. Their power and their glory had alike departed. But they were still great in tradition, and were looked up to with respect by the Mahrattas of Western India. In April, 1848, the last Rajah died; and a question arose as to whether, no direct male heir of the body having been left by the deceased, a son by adoption, or collateral member of the family, should be permitted to succeed him, or whether the rights and titles of the principality should be declared to be extinct. Sir George Clerk was then Governor of Bombay. He looked at the Treaty of 1819; saw that the 'British Government agreed to cede in perpetual sovereignty to the Rajah of Sattarah, his heirs and successors,' the territories which he had held, and at once declared himself in favour of the continuance of the native Raj. The members of his Council looked upon the question as purely one of expediency, and considered it the duty of the British Government to decide it in the manner most advantageous to ourselves. But the Governor refused to admit any secondary considerations, saying 'if it be inconsistent with justice to refuse confirmation to the act of adoption, it is useless to inquire whether it is better for the interests of the people or of the empire at large to govern the Sattarah territories through the medium of a native Rajah, or by means of our own administration.' The trumpet of that statesman was not likely to give an uncertain sound.

When this question first arose, the Governor-General was in his novitiate. But now as he was to the consideration of such subjects, he does not appear to have faltered or hesitated. The opinions, the practical expression of which came subsequently to be called the "policy of annexation," were formed at the very outset of his career, and rigidly maintained to its close. Eight months after his first assumption of the Government of India, he placed on record a confession of faith elicited by this agitation of the Sattara question. Subsequent events of far greater magnitude dwarfed that question in the public mind, and later utterances of the great Minute writer caused this first manifesto to be comparatively forgotten, but a peculiar interest must ever be associated with this earliest exposition of Dalhousie's political creed, and therefore I give it in the words of the statesman himself; 'The Government,' he wrote on the 30th August, 1848, 'is bound in duty, as well as policy, to act on every such occasion with the purest integrity, and in the most scrupulous observance of good faith. Where even a shadow of doubt can be shown, the claim should at once be abandoned. But where the right to territory by lapse is clear, the Government is bound to take that which is justly and legally its due, and to extend to that territory the benefits of our sovereignty, present and prospective. In like manner, while I would not seek to lay down any inflexible rule with respect to adoption, I hold that, on all occasions, where heirs natural shall fail, the territory should be made to lapse, and adoption should not be permitted excepting in those cases in which some strong political reason may render it expedient to de-

part from this general rule. There may be conflict of opinion as to the advantage or the propriety of extending our already vast possessions beyond their present limits. No man can more sincerely deprecate than I do any extension of the frontiers of our territory which can be avoided, or which may not become indispensably necessary from considerations of our own safety, and of the maintenance of the tranquillity of our provinces. But I cannot conceive it possible for any one to dispute the policy of taking advantage of every just opportunity which presents itself for consolidating the territories that already belong to us, by taking possession of States that may lapse in the midst of them; for thus getting rid of those petty intervening principalities, which may be made a means of annoyance, but which can never, I venture to think, be a source of strength, for adding to the resources of the public Treasury, and for extending the uniform application of our system of government to those whose best interests, we sincerely believe, will be promoted thereby. Such is the general principle that, in our humble opinion, ought to guide the conduct of the British Government in its disposal of independent States, where there has been a total failure of heirs whatsoever, or where permission is asked to continue by adoption a succession which fails in the natural line.'

The Court of Directors of the East India Company confirmed the decision of the Governor-General, and Sattarah was annexed. There were men, however, in the Direction who protested against the measure as an act of unrighteous usurpation. 'We are called upon,' said Mr. Tucker, ever an opponent of wrong, 'to consider and decide upon a claim of right, and I have always felt that our best policy is that which most closely adheres to the dictates of justice.' 'We ought not to forget," said Mr. Shepherd, who, on great questions of this kind, was commonly to be found side by side with his veteran friend, contending for the rights of the native Princes of India, 'that during the rise and progress of our empire in the East, our Governments have continued to announce and proclaim to the people of India that not only should all their rights and privileges which existed under preceding Governments be preserved and maintained, but that their laws, habits, customs, and prejudices should be respected. And what right more cherished, what custom more honoured, than the right and custom of adoption?' But the majority of the Court of Directors supported the views of the Governor-General. They had heard the voice of the charmer. And from that time the policy of Dalhousie became the policy of Leadenhall-street, and the "Right of Lapse" was formally acknowledged.

10. *Speech of Colonel Sykes, Director H. E. I. Company*, (printed by Mr. Norman in 1849.)

(*Extract No.* 59.)

He (Col. Sykes) was not in office last year, therefore his sentiments were not recorded in the Blue Book. He had risen to make a few observations, because he believed he owed it to his constituents that no mistake should exist with respect to his sentiments upon the question before the Court. He would only touch upon one or two of the leading features of the discussion, as it appeared to him that a great deal of the matter which had been introduced into the discussion might have been thrown aside altogether. The primary question was unquestionably the treaty—and nothing but the treaty. In the first place, they had nothing to do with the ex-Raja Pertaub Singh, whether he was innocent or guilty, or whether he was unjustly deposed or not—they had nothing to do

with the right of the succession of his brother to the office of Raja of Sattara; all they had to do with these two individuals was, whether, in consequence of their deaths, they had a right to seize the territory. And to enable them properly to decide upon the matter they had nothing to guide them but the words of the treaty. Their explanation to the world in general, to the people of India, and to the family of the late Raja, of the course they had adopted, must rest for its explanation upon the treaty—upon that document to which they had placed their hands and seals. Mr. Elphinstone said that the territory was ceded to the Raja in consequence of the antiquity of the Sattára family. Mark that! Not in consequence of his own claims or merits, but in consequence of the antiquity of his family, the British Government had thought right to allot that territory to his family in perpetual sovereignty for the support of his family, and after him to his heirs and successors. To those conversant with the Arabic, the Sanscrit, the Mahratta, and the Hindostanee languages, the terms of the treaty were intelligible enough. Translated into English, its terms were equally intelligible; they, therefore, ought to be influenced as to the meaning of the treaty by those most competent in the business of interpretation. They had had the opinions of many great writers on international law. Puffendorff, one of those cited, said, that if there was a disputed question between two nations, that it should be interpreted favourably to the weaker party. Now, had they done so? In this case most unquestionably they had not. The words of the treaty, 'heirs and successors,' meant that some one should be nominated to succeed to the office. Mr. Sergeant Bain stated, in the intelligent speech which he made at the last sitting of the Court, and he agreed with him in the sentiment, that as the treaty contained some stringent conditions, if the opposite was intended, that a clause to that effect would have been put into it—namely, that unless the Raja had a son or other lineal heir, the territory should lapse to the British Government. Now that was not done; therefore, it was obvious that such a result was not contemplated at all. He would not go further into the question of interpretation, except to say, that if there was a doubt upon the matter, that they should in justice have recourse to those who, with elaborate ingenuity, had framed the treaty. Why did they not send for Mr. Elphinstone? Why did the Directors not seek from him the interpretation which he put upon the treaty at the time it was made? Those who contracted it were the proper parties to explain its import. He had the pleasure of Mr. Elphinstone's acquaintance, and he was one of those whom he revered for his integrity and talents. It was a primary condition in the treaty that the Raja did not lapse provided there were heirs; but then they might bring on the question who were the heirs; having determined primarily and unquestionably that there must be heirs, whether the successors were to be adopted children, whether heirs generally, or whether heirs of the blood. Now he had strong ideas on that subject arising out of his past experience in India, where he had spent a good deal of time, and in all cases where there were no stipulations against adoption, the right to do so was always admitted. In many parts of India the natives were bound to adopt as a religious performance, and that adoption carried with it certain legal rights. To show the extent to which it was carried he would quote some of the decisions in the Supreme Court of Bengal; there was scarcely a case in which the Court had not decided that an adopted child was the legal successor of the adopter. Let them just consider for a moment such a case as Gwalior, a much larger territory than Sattara, whose Raja had a right under treaty to name any child he chose to adopt; and therefore, as far as the question of adoption went, unquestionably they were bound to admit it, but who was to be selected? The misfortune here was not so much the right of adoption, but as to who was the individual adopted. No one would say, that if a jageerdar adopted a son,

and that son paid the fine of 500 horses to the lord paramount, he might be allowed to succeed to the state, but in all cases of jageerdars, unless the Government gave its consent, they could not adopt. That, however, was quite a distinct case from adoption for private rights. Nobody could question that right, though they might the right to adopt, where there were conditions of lapsing to the Government. What he said then, in the case of the Raja of Sattara, was this, that if he held the sovereignty under certain conditions, he might, under those conditions, be required to obtain the sanction of Government before he adopted, but, in his opinion, the case did not stand upon the right of adoption. The treaty gave him sovereignty in perpetuity, to remain in his family until it became extinct. There was no doubt then that, at the present moment, there were seven distinct Sattara families in existence. There was at this moment a second cousin living of the house of the last Raja, who happened to be the adopted son of the late prisoner at Benares, for whom he claimed nothing under the adoption, but as a descendant of the blood he succeeded naturally to the state under the intention of the treaty. If they admitted the adoption [by the deposed Raja] it would give rise to interminable discussions; and instead of this being the last debate, they should have the case continually coming before them again. It must be remembered that the ex-Raja had adopted one child, and the late Raja another; and if they admitted the principle of adoption, there would be an everlasting contention between the parties. One party would be for adopting the child of the ex-Raja, and the other for having the child of the brother; but if they acted upon the principle of natural succession they got rid entirely of one of the parties. It was admitted that there was a sovereignty which went to the blood, and as there were heirs enough to make it convenient for them, to use an expression of a preceding speaker, to get rid at once of the dispute. He would now with the permission of the Court read a passage from a pamphlet on the subject of India which would point out the evils of the policy they were pursuing in far more forcible and energetic language than he was master of. The passage he alluded to was to this effect;—"The excessive encroachments upon the territories of the native Princes makes every native fancy that it will be his turn next; that he will be the next victim of the policy; that he will be the next to be overturned. Only a third of the native Princes still remained, and every fresh act of spoliation, not only excites the suspicion and jealousies of the natives, but made them turbulent and troublesome; and while this system continues to be sanctioned by the Government of India, it must be unfavourable to British rule. The system ought to be changed to one which should protect the native states from aggression, and then the native Princes would repose confidence in our Government, become props to our power, follow our example in the various arts of peace, and support us in danger; but under the present system, the native Princes had no inducement to improve their states, as they were not properly protected and respected by the paramount power." Nothing that he could say could put the case in a stronger light than that. He really thought this was a question of policy which ought at once to be satisfactorily disposed of, for a universal feeling prevailed in India against their present system of ruling, and they were looked upon in the light of a party who were only anxious to make a Government of officials on one side, and a nation of serfs on the other.

11. *Speech of Sir Henry Willock, Director H. E. I. Company,* (printed by Mr. Norman in 1849.)

(*Extract No.* 60.)

He (Sir H. Willock) considered that this was not a common case. It appeared to him that the question before the Court was of a momentous character, and he should be acting an unmanly part if he attempted to shirk it. He had been always of opinion, that the deposition of the Raja of Sattara was forced on the Government, and he had never had occasion to swerve from that opinion. But this matter was entirely disconnected with that deposition. The British Government, in raising the Raja of Sattara to the throne, virtually acknowledged that even the misconduct of the Raja of Sattara was not to effect its annihilation, and he (Sir H. Willock) considered that on the death of that Prince, the only point which the Court had to decide upon was the choice of a successor. He conceived that the Government were bound to fulfil the treaty, according to the acceptation put upon it by Mr. Elphinstone and the Raja, and that in annexing the territory of Sattara a sacred engagement had been violated, which would affect the public mind of India, and also the minds of independent princes acting under their superintendence. If words had any meaning at all, the territory of Sattara was most solemnly ceded in perpetuity, both in word and spirit. He deeply lamented that the national honour had been compromised by the decision of the Court, and he feared it might be prejudicial to the native principalities of India.

12. *Speech of Sir Robert Campbell, Director H. E. I. Company,* (printed by Mr. Norman in 1849.)

(*Extract No.* 61.)

Sir Robert Campbell, who spoke in a tone of voice scarcely audible, was understood to say, "that in order to become master of the question before the Court, he had for months waded through the voluminous papers relating to it. He thought it very unjust to visit upon the present claimants the consequences of any misconduct of which the previous Raja might have been guilty. He approved of his having been deposed, because he thought in his conscience that the Raja [Partaub Sing] did mean ill to the Government; but he did not consider that that would justify the Company in taking possession of his territory, which was given by treaty to him and to his heirs and successors for ever."

13. His Excellency Sir Bartle Frere wrote to the Government of Bombay many times to the effect that by the terms of the treaties and usage of the country the British Government had no right to annex the territory of Sattara, and on several occasions argued very strongly against the annexation. And yet though His Excellency did his utmost in the cause of our princely rights, the British Government to my grievous wrong gave no heed to the dictates of justice. As I deem every word of what His Excellency Sir Bartle Frere wrote to be very valuable and conducive to the just and humane consideration of this appeal by your Majesty, I

quote below all his letters and reports to which I beg to direct your Majesty's particular attention:—

a. *Report from the Political Department* No. 22, dated 21st March 1848 and published in the *Parliamentary Papers, Sattara Raj, pp.* 9–11.

(*Extract No.* 62.)

It is with very great regret that I have to inform you of the very serious illness of His Highness the Raja of Satara.

2. After being in better health than usual during the cold weather, His Highness had an attack of illness about three weeks ago, which though it would not have caused alarm in a man of younger and stronger constitution, threatened at one time to occasion ground for serious apprehension.

3. His Highness in consequence, on the 4th Instant, returned from the districts to the neighbourhood of Sattara, and from that day rapidly recovered, so that when I saw him on the 16th instant he appeared to be in his usual health and spirits, and so continued till yesterday evening, when after making arrangements for the celebration of the usual ceremonies, this day he complained as he went to rest of pain in his back; the pain increased during the night, and about 8 A. M.; though I had an engagement to visit him in the afternoon, he desired I might be sent for immediately. I met the bearer of the farnavee's note about eight miles off, as I was riding into Sattara, and finding Dr. Murray on the point of going to His Highness, we went together.

4. His Highness appeared to be suffering severe pain, and was evidently in great alarm about himself. His usual self-possession and firmness, for which Dr. Murray told me he had been remarkable in previous attacks of a still more painful nature, had forsaken him, and he was utterly unable to control his feelings. It was long before our united efforts could restore him to any degree of composure, and he then told me, in broken sentences, that he felt he was most seriously ill, and had many things to say to me.

5. In reply to an observation that he had previously recovered from similar and more severe attacks, he said that they "were quite different; that they were pain and disease, but that this was more; that neither he nor any of those who knew what he suffered, doubted but that it was the effect of the magical arts of his enemies. "This is not the first time," he said, "that they have done so; you know what they did long ago, and that they are still unpunished for that crime." This he said in allusion to the death of Bagoo Byee, His Highness's favourite concubine, which, as Government is aware, is attributed to poison, administered by Wasdeo, the native doctor, at the instigation of Eswant Row Trimbuck, late dewan, who has the reputation of being a proficient in the kindred and much dreaded arts of magic and poisoning.

6. I reminded His Highness of the legal difficulties which opposed the earnest wish of the Government to enable him to bring the accused in the case in question to trial, and in reply he merely earnestly appealed to me to pray Government to decide the case quickly, so that those who on trial might be found guilty, might no longer, by the impunity of their crime, encourage evildoers.

7. He then told me that "This was the State of Sevajee and Shahoo Maharaj; that it was for the Government who had so long upheld it to take such steps as it saw fit, to,

uphold it still;" and then with still deeper feeling, and in a more impressive manner, said "that he committed to the keeping of the British Resident Bulwant Rao Raj Adnya, the boy he had taken under his protection, and made the child put his hands in mine."

8. The room having been cleared of all but his most immediate and confidential attendants, the three ranees entered, and His Highness said, he committed them to the keeping of the British Government to protect and provide for them.

9. They were followed by the mother and sister of Bagoo Byee, whom His Highness commended to me as special objects of his regard, adding, that they had no one, after he was gone, to protect them.

10. The chief officers of His Highness's household were then readmitted, and after saying generally that he trusted them all to the kindness and care of the British Government, he specially pointed out the father* of the elder Ranee, and Appaji Row Pattunkur, Tammajee Row Nandessur, the two fathers-in-law of the Raj Adnya, the boy above alluded to.

* Tammajee Rajc Sirkey.

11. I have stated the substance of what His Highness said at intervals between the paroxysms of pain, and interrupted, not only by his own groans, but by the lamentations of those about him, which often broke out with a clamorous expression of uncontrolled grief, into the painful details of which I need not enter, and which can be pictured to themselves only by those who have heard and witnessed natives giving vent to the first bursts of unchecked sorrow.

12. Dr. Murray had prescribed what he considered best adapted to relieve the pain from which the Raja suffered, but His Highness's usually firm mind seemed quite unhinged by the united effects of physical suffering, and the firmly rooted belief that he was labouring under the effect of supernatural agency; and he showed less willingness to take the prescribed medicine than to trust to charms and the anti-magical incantations of Bramins.

13. Dr. Murray considers His Highness's present attack to be a neuralgic affection. The severe illness he had about three years and a half ago commended very much in the same way, with acute rheumatism of the loins, which afterwards extended, with somewhat alarming symptoms, to the chest. On the present occasion there was febrile symptoms, which is so far favourable; but, on the other hand, his constitution is very much more broken, and would now give way to much smaller amount of disease than it would have done three or four years ago.

14. In reply to the many painful appeals which His Highness addressed to me personally, I endeavoured to confine myself to general expressions of the grounds of confidence which His Highness might find in his past experience and knowledge of the generous manner in which the British Government had always treated even its enemies, in his acquaintance with the personal character of so many of our rulers, in his remembrance of his own undeviating loyalty to the British Government, and in the assurance that that Government would pay all possible respect to the wishes of so faithful an ally with regard to those who were dear to, or had served him with fidelity.

b. Report from the Political Department No. 27. April 3, 1848, published in the *Parliamentary Papers, pp.* 13–14.

(*Extract No.* 63.)

I have the honour to forward for the information of Government, a memorandum of what passed at an interview with His Highness the Raja of Sattara on Saturday, when he sent to ask me to see him in the morning.

2. I had expected that he would revert to the subject of the Raj Adnya's allowances, but since his serious attack on the 21st ultimo His Highness had seemed rather to avoid touching on the other subjects he brought forward on the present occasion.

3. He had left the ground near the residency, where he had pitched for change of air, and returned to his palace on Thursday night the 30th ultimo. He appeared to have found the fatigue of moving greater than he had expected, complained of great weakness, and of getting no rest at night, and altogether was in very low spirits about himself, and told me that his feelings during the night had convinced him that it was impossible to hope he would be able to reach the hills and see the Honourable the Governor, and that he had therefore determined to bring forward what he wished to say at once, before he got any weaker.

4. I trust my proceedings, as detailed in the memorandum, may be approved by Government, and would beg that it may be borne in mind that His Highness is physically in no condition to maintain a long argument. Where I believed His Highness encouraged hope, which might I feared be disappointed, I stated my own views as fully and forcibly as I could; he listened patiently, and seemed to do full justice to my motives, in stating what I knew would be unpalatable, but even the exertion of listening wearied him greatly, and anything like discussion of the different points raised was out of his power. With regard to the question of adoption, he seemed content with my saying that I was quite unable to give any pledge as to the ultimate decision of Government, and could only assure him that it would be governed by what they considered just and right and for the good of his people.

5. Yesterday he sent to ask me to see him early this morning, when His Highness had several yads read, which had been drawn up in conformity with the memorandum he had made on Saturday. On my pointing out instances in which I was doubtful whether his wishes could be complied with, he told me he was reading them, not with a view of getting my opinion as Resident, but to ask me, as his personal friend, whether what he had asked were unbecoming, or needed further arguments or explanation to enforce it; which in no case appeared to me to be the case.

6. None of the memoranda said anything about the Raj Adnya's "nemnook," and when they were finished he said he had determined not to write on that subject, but to ask me to obtain from Government, their sanction to a life pension, having* [?leaving] him power to give the boy such state offices as he pleased, to be enjoyed during the sovereign's pleasure.

* *Sic.*

7. I pointed out that it was impossible to re-open the subject, unless His Highness mentioned the specific sum he wished to grant, and that I had already repeatedly expressed my belief of the inutility of his expecting the approbation of the British Government to the grant of anything approaching any of the sums he had ever named.

8. He then said he had originally applied for a "nemnook" of 1,27,600 Rupees, and that he trusted the British Government would not consider a life pension of 60,000 Rupees excessive, and begged I would submit his request on the subject to Government.

9. I told His Highness I could not hold out any hope that this would be considered a moderate and suitable provision; but the effect of what I urged only showed me the truth of the character given His Highness by one of my predecessors, that while few men were more amenable to sound advice before his opinion was made up, when once formed, he was remarkably tenacious of it.

c. *Letter from the Political Department* No. 31 April 6, 1848 published in the *Parliamentary Papers, Sattara Raj, pp.* 20—22.

(*Extract No.* 64.)

In continuation of my letter, No. 27, of the 3rd instant, I have the honour to state, for the information of Government, the following particulars regarding the death of His Highness Shahjee, Raja of Sattara, having yesterday communicated the simple fact of his decease by express to Government.

2. When I left His Highness on the 3rd he had begged me, as stated in my letter above referred to, personally to inform the Honourable the Governor of the state of his health, of the impossibility of his making his usual visit to Mahabaleshwar and thereby availing himself of the Honourable the Governor's advice with regard to the future, to explain, as far as I could personally, what might require explanation, and to let him know what hope there was of an immediate answer to any of the yads which he would send me.

3. After I had written that letter, he sent a message to say that Monday was an unlucky day to sign the yads, and he would defer doing so till Wednesday. I sent a reply that I would also defer my departure till Wednesday if he wished, but he sent to beg I would not do so, and ultimately he signed the yads (*vide* my letter, of this day's date) that evening.

4. I had no bulletin of his health on the 4th; on the 5th I was engaged in translating some of the documents I had brought up when I received a note from the phurnavees, dated 6 A. M. that morning, stating that the day previous His Highness had remained in the same state as when I saw him on Monday up to 12 o'clock at night when he felt obstruction in his throat, and had since continued to get worse; that "His Highness had already told the Resident that if he felt his life were despaired of, he must adopt a son," begging me to tell the Governor "the state of things here" with the "utmost submission," and procure his consent to the Raja's "adopting an heir."

Vide para 18 and 19 of the memorial enclosed in the Residents's letter, No. 27, of the 3rd Instant

5. This was followed, within a few minutes, by another express, two notes from the phurnuvees and native agent, dated 9 A. M., stating that His Highness was worse, his breathing more difficult, and that though he was still able to talk, and had the full use of his mental powers, he was unable to raise his head, urging my immediate return, as there was no hope of his life beyond the evening. The phurnuvees added, "As it is impossible to be sure that His Highness will last till the Resident comes, His Highness has formally declared his* purpose of adopting a son."

* The expression "Sunkulup sooroon (karoona) tewela," meaning that "he had thrown the handful of water," with certain ceremonies, which form the most solemn mode of declaring a settled purpose, might with very slight changes be taken in the more common meaning of Sunkulp, for "had given up the purpose."

6. Having communicated the purport of their notes to the Honourable the Governor, I set out on my return to Sattara, but was met on the road by a note from Dr. Murray, informing me that all was over, His Highness having expired at about half past one.

7. For what passed during the last hours of His Highness's life, I must refer to the enclosed memorandum from Dr. Murray, which is so full as to leave me nothing to add from the testimony of other parties present, beyond a statement of the deep anxiety which His Highness showed that Dr. Murray should not leave him for an instant. To the very last His Highness expressed distress if he lost sight of him for a moment, and said that "he felt at ease as long as the sahib was by him."

8. I trust the Government will approve of Dr. Murray's conduct under unexpected circumstances of very considerable embarrassment.

9. It was after dark when I reached the palace; a vast crowd had assembled in the square in front of it, and the whole of His Highness's retinue was assembled as for a state procession; I was received by Mama Sahib Senaputtee, His Highness's maternal uncle, one of the oldest and most respected of his sirdars, who led me to the gateway, where the corpse was placed in a sitting posture, dressed as in Durbar, and prepared to be carried forth.

10. After the first clamorous expression of grief was somewhat calmed, the boy who had been adopted was brought forward.

11 I told the assembled chiefs that when I had left the Governor in the afternoon, he was in full persuasion that I should find His Highness alive, and hoped that His Highness might have been spared many days, and that, in that belief, the Governor had expressed his approval of the advice which the phurnuvees and others present knew I had given His Highness on Saturday, to await the answer of Government to His Highness's application for leave to adopt, and not to complicate the question by proceeding to any adoption pending the arrival of that answer, as His Highness's so doing might displease the British Government; that what had happened was now beyond remedy, but that it was out of my power to recognise the act till I received the orders of Government; that in the meantime I was instructed, in the event, which Government then hoped to be very improbable, of anything happening to His Highness, to take charge of the administration, but to conduct it on exactly the same principles, and through the same agency, as during His Highness's lifetime, till the decision of the Government of India, to which all would be reported, should arrive.

12. With this they seemed perfectly satisfied; several declaring "that they entirely trusted to the British Government the late Raja's best friend, and were content to abide by whatever it might think best."

13. They then asked leave, which I of course gave at once, for the procession to move on, which gave occasion for a fresh burst of grief from the assembled crowd. The adopted son, as chief mourner, preceded the corpse, carrying the fire for the pile. Mama Sahib then begged me to go upstairs to where the Ranees were sitting, and he led the way, followed by about 20 of the principal officers of the state and household.

14. In reply to my expression of deep sympathy with this heavy affliction of the family and state, the elder Ranee said "her whole trust, and that of the child, which her husband had, on his death-bed, placed on her knees, was in the British Government."

15. I explained as briefly as I could, what had passed on the subject of the application for leave to adopt, and the difficulties which, pending the receipt of orders from Government, prevented my recognising the act.

16. The lady was sitting wrapped in shawls, between the two younger Ranees, close to the wall, and seemed quite to understand all I said, but it was repeated in her ear, in the usual way, by her dewan. In so doing I observed he omitted or altered every expression which implied any doubt as to the recognition of the adoption; and painful as it was, I considered it, taking all circumstances into consideration, the less cruel course to recapitulate, and caused to be explained to the Ranees, very distinctly, the reasons which made it impossible for me to recognise the act, or to pledge myself to the decision of Government on the subject. I added an assurance of the wish of Government to maintain undiminished all the respect and consideration they had personally enjoyed during the Raja's life time, and prayed them to attend to his dying injunction to rely in all things on the British Government, and in everything to communicate unreservedly with the Resident.

17. Both the elder Ranee and the other parties present seemed to understand my motives for being so explicit, and perfectly to comprehend the position in which the question rested; and in a few minutes we took our leave and followed the procession, which had proceeded to the Krishna, amidst the lamentations of the crowds of townspeople which lined the road.

18. Expresses were immediately dispatched to the Officer Commanding at Poona and the Magistrates of all bordering Zillas, announcing the death of the Raja; and I have addressed similar communications to the guaranteed jagheerdars, and to all those of His Highness's local officers who have been in the habit of receiving their orders direct from the Hoozoor, stating merely the misfortune which had befallen the state in the death of the Raja; that pending the receipt of orders from Government, all would be conducted by the Resident, in precisely the same manner, and by the same parties, as in the Raja's life time, and informing them that the British Government looked to them for the maintenance of order within their respective jurisdictions.

19. The lad adopted by the Raja is of the house of Shadgaon, which traces its origin through Wittojee, (Vithojee) the son of Kellojee, the great grandfather of Sevajee. His father and grandfather were both in the service of the Raja. Up to an hour or two before the adoption there appears to have been no thought of selecting this boy. The previous evening the Raja, though fully convinced that his days were numbered, appears to have had no idea of any very immediate danger. He gave orders to have the drafts of yads he contemplated writing got ready for his consideration next morning, and had sent in various directions to have different children of the various houses of Bhouslay brought to him, in order that he might select one for adoption. His illness during the night seems to have convinced him that no time was to be lost, and the lad in question was sent for. So unexpected was the summons that a considerable time elapsed before he was found and his horoscope produced; the Raja desired the josees to confine inquiries to the three points of the boy's capacity for rule, his prospect of long life, and having a family, and the result being favourable, his grandfather, in the father's absence made him over to the Raja, and he was adopted in the manner related by Dr. Murray.

20. It only remains for me to add that every thing seems perfectly quiet, and the

officers of the durbar, and the people generally, seem quite convinced that their only course is to await in patience the pleasure of the British Government.

21. I omitted to mention in the proper place that immediately on His Highness's decease Dr. Murray wrote to Major James, Commanding at Sattara, to suggest that double sentries of His Highness's regiment should be placed throughout the town and that all public offices and treasuries should be locked up and placed under sentries, which was done.

22. Every mark of respect due to His Highness's memory was shown by Major James's order. The firing of minute guns (47) corresponding with His Highness's age being unavoidably postponed until sun rise.

P. S. When taken ill in the morning, among other expedients resorted to in the hope of prolonging His Highness's life, the Brahmins suggested the gift in charity of His Highness's weight in silver. As he was too weak to submit to the ordinary process, 15,000 Rupees were taken, as the probable weight, and given by His Highness.

The ceremony of adoption was announced by a royal salute from His Highness's artillery about noon, an hour and a half before His Highness's death.

d. Letter to the Bombay Government No. 32 *April* 7, 1848 published in the *Parliamentary Papers, Sattara Raj, pp.* 24-26.

(*Extract No.* 65.)

I have the honour to forward translations of two memoranda received from His Highness the Raja of Sattara late on the evening of the 3rd Instant; they are in a more formal shape than usual, bearing at top the "Sicca" or great seal of state, which is only used on grants, treaties, and other documents of similar importance, and instead of the "Mortub" or privy seal generally used by way of authentication, at the end of His Highness's yads, they are signed at length with his name in full, a formality of which I know no other instance, except the treaty concluded with His Highness in 1839; as on the few occasions when it was usual for His Highness to authenticate a paper in his own hand, he merely wrote the last word or two, whatever they might be, or "suhee" (signed.)

2. These are the Memoranda referred to in my letters* noted in the margin. Some delay in submitting the translations has been caused by my anxiety to make them as exact as possible and by the pressure of other business for the last few days; copies of the original Maratha are annexed, in case Government should wish to make further inquiry as to particular expressions.

*No. 27 dated 3 April 1848
No. 31 dated 6 April 1848.

3. The first memorandum consists of 11 sections:

Section 1—Asking for an early answer to the other yad, No. 364, in which His Highness had requested leave to adopt a successor, stating, that in the event of his dissolution approaching before the answer of Government arrived, he would adopt a son from among the Bhonslay families mentioned in the other memorandum; and that should any accident preventing his doing so, his eldest widow would adopt a son, with whom he begs the British Government to conclude a treaty, and continue on the same terms of friendship as heretofore.

Vide para 12 of Dr. Murray's memorandum, enclosed in my letter, No. 31, 6 April 1848.

4. Section 2 states that a separate list would be sent, containing the names and duties of the officers of state who should be employed by his successor, but begging that the British Resident should superintend the management of affairs during the minority of his adopted son. (The list here promised was never prepared. His Highness alluded to it to Dr. Murray, and told him that Saccaram Punt, the furnavees, was in his confidence; and might be trusted in the matter in question. The furnavees states that he does not think His Highness meant to note any particular objects of his confidence or mistrust, but to send a list of the existing officers of state all of whom enjoyed his confidence to the extent required for the discharge of their several duties.)

5. Section 3—Promises estimates ("behras") of the allowances and establishments to be assigned to each of the three Ranees, within the limits of which each should manage her own affairs, under the general superintendence of the British Resident. (These estimates the furnavees states were never prepared; the allowances and servants of each Ranee are, however, entered separate in the estimates of His Highness's private household expenditure.)

6. Section 4—Promises sealed memoranda of the distribution he wished made of his personal effects, and private gardens, grazing grounds, and buildings, among the three Ranees and his adopted son, and of the two villages he wished granted to the two younger Ranees, one being already held by the elder. (This memorandum the furnavees states was never prepared.)

7. Section 5—Relates to the "Raj Adnya" the orphan boy His Highness had taken under his protection, and alludes to the allowance which His Highness proposed to grant to him, which His Highness begs may be continued to him without interruption; that a village should be granted to him in enam, to be enjoyed hereditarily, with a garden, grazing ground, and the revenues and management of the Somwar quarter (Peith) of the city; that he should have the like control of his own people, without interference from the royal family; and promises a sealed list of the jewels, and other personal property, which His Highness wished to leave to the boy. (This list the furnavees states was never prepared.) All that has passed of late between me and His Highness regarding the proposed allowance will be found reported in my letters noted in the margin. The grant of a village in enam was never completed; nor was any village selected by His Highness for the purpose; but one of His Highness's private gardens, a grazing ground, and the revenue and management of the Somwar Peith, have, it is stated, for the last year or so, been assigned to the "Raj Adnya;" and managed by his establishment, though no regular grant seems ever to have been made.

Vide my letters, No. 27 of the 3rd Instant and No. 31, of the 6th Instant.

8. Sections 6—Promises a memorandum of the officers of state, and the duties to be required from each (*vide* remark on section 2).

9. Section 7—Begs that in the event of disagreements between the Government servants, or malversation in office, the Resident would inquire, in presence of the adopted son, and on conviction, punish the offender; forgiving a first offence, should he think fit, in consideration of personal character, on the intercession of members of the royal family.

10. Section 8—Promises a memorandum of all officers of the state and household, and confidential servants, with their existing allowances, which His Highness begs may be continued. (This list was never completed.)

11. Section 9—Relates to Bagoo Bye, a woman of His Highness's household, who died, as was supposed by poison, more than 3 years ago, leaving her mother, sister, and brothers to His Highness's protection. His Highness promises a memorandum of an allowance he proposed to grant to the surviving members of this family (the mother, sister, and two sisters-in law), together with a village, grazing ground, and garden to be given in enam, and some jewels and personal property he wished to leave them all which he begs may be enjoyed without interference from the royal family. (These memoranda the furnavees states were never prepared.) The two women in question, the mother and sister of Bagoo Bye, have fixed allowances for themselves and their attendents from His Highness's private purse.

12. Section 10—Begs that Ballaji Narayan Nathoo may not be re-employed, or permitted to interfere in the management of the state.

13. Section 11—Relates to Eshwant Row Trimback, the late Dewan, and members of his family, in prison on suspicion of having instigated the murder of Bagoo Bye (*vide* section 9) His Highness begs that the Resident may try the charge of murder, and that, if acquitted, the accused should be expelled from the Sattara state. (This case has lain over, pending the decision of Government regarding the surrender to His Highness's requisition of Wassoodeo Raghunath, the native Doctor, a British subject, now in Bombay, accused of being an accomplice. Eshwant Row Trimback has the reputation of being, if not a necromancer himself, a protector and employer of those who deal in magic, and was suspected by His Highness and the native community of having been, by such arts, the cause of His Highness's last and fatal illness. He was formerly in the service of the jagheerdar of Phulsun, (Phultun) and Saibjee Bye attributes to his arts the present dangerous illness of her brother).

14. The other memorandum, No. 364 is drawn up with the same form as that just described. His Highness quotes the preamble of the treaty, dated the 25th September 1819, and begs that the same motives which induced the British Government to establish the State, in the first instance, will now lead them to consent to the adoption of a son as his successor. His Highness mentions eleven houses of the Bhonslay family, from among whom he purposes to select the boy best fitted for adoption, and states his objections, both to a child of the Kolapoor house, and to the boy whom he had heard had been adopted by the ex-Raja, which adoption he prays may not be recognised by the British Government.

15. His Highness, in his memorandum, quotes from the Mahratta version of the treaty, which is somewhat more full than the English. The English states the treaty, to be between the Honourable Company and His Highness the Maharaja, "his heirs and successors," which are the terms used throughout the treaty, the Mahratta version uses the words "Furjund, wu waris, wu Kaim Mukam." The two former words correspond, I believe, exactly to progeny (male or female) and heirs; "Kaim Mukam" is a Persian or Arabic word; Richardson gives the meaning of (* * *) "a Lieutenant, a vice regent; the Kaim Mucam, or Governor of Constantinople, a vicar, an administrator, overseer, church warden."

16. I cannot find the word in Molesworth's Mahratta dictionary, nor is it commonly used in Mahratta, but I think I have sometimes met it in Mahratta or Guzerattee Papers, relating to mercantile affairs, when it was intended to bind those who might continue a business other than the natural heirs of the contracting party.

17. The treaty is executed in three languages, Mahratta, Persian, and English. One of the original copies is doubtless on the records of Government, but for facility of reference I annex a copy of the eight first clauses of the treaty, which is on the records of this office.

18. No expressions of the kind occur in the treaty of the 4th of September 1839, of which an extract is also enclosed; but the first Article of that treaty confirms all articles of the previous treaty of 1819, which were not abrogated or modified by the supplementary treaty of 1839.

19. The boy adopted by His Highness just previous to his death belonged to the house of Shedgaom, which stands fifth in the list of families enumerated in His Highness's memorandum.

20. I have collected all the information within my reach relative to the Sattara family, which, if required by Government, will be forwarded.

e. *Letter No.* 34 *April* 12, 1848 *to the Bombay Government* published in the *Parliamentary Papers, Sattara Raj, pp.* 32-35.

(*Extract No.* 66.)

I have the honour, in continuation of my letter, No. 31 of the 6th instant, to state, that on the afternoon of that day the parties mentioned * attended at the Residency, by appointment; they included all who held responsible office as the heads of departments under the late Raja who were then in Sattara, and able to come.

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* 1 Succaram Bapojee Furnese, Amatya. (Had been for the last two years and a half the only person at all in the situation of Minister to His Highness, who usually transacted all business in person.)

2. Ambajee Raja Sirke, Sir Lushkur. (He appeared for his father, Mama Sahib Senaputty, maternal uncle to the late Raja. Mama Sahib, too feeble to leave his house.)

3. Saurow Boete Senekurte.

4. Moodajee Raje, *alias* Rowjee Mahadeek Bukshee. (The three latter manage all military affairs, under the orders of the Senaputtee.)

5. Succaram Baulal Canere, Siganees. (Seals all His Highness's papers.)

6. Cassinath Ramchunder, Duftardar.

7. Madajee Ramchunder, Naib Moonim.

8. Chrisnajee Chintamun *alias* Babagoreh, Moonim.

9. Vittul Gungadhur Phurke, Foujdaree Moonim.

10. Pandoorung Narain Acte, Moonim. (The administration of civil and criminal justice is under the superintendence of these four last-named men.)

11. Chimnajee Chintamun Mahajunee, Amuldar Nazir.

12. Wasdeo Crishna Mahajunee, Chitnese.

13. Ramchunder Bhewrow, Potnees.

14. Hurry Nursidass, Potdar. (The latter men have charge of the treasury.)

15. Bikajee Moreshwur Phutuk. (Has charge of the hushum, or department of sebundies.)

16. Sukaram Bulal Mahajunnee. (The karbari of the Ranees.)

17. Suckaram Chitikoo Vechlekur (In charge of His Highness's private treasury.)

18. Gopal Suckaram Canere. (Has charge of the department of appeals in civil cases.)

19. The carcoon in charge of the police of the city and other subordinate offices.

2. Adverting to the sorrow which the British Government would feel at the death of so faithful an ally and so good a sovereign as His Highness, I stated in somewhat more detail than I had done in speaking to the same parties the day before at His Highness's palace the course which the British Government desired to adopt pending a decision of the questions relating to the disposal of the sovereignty which had so unexpectedly become vacant. The Furnavese and Bukshee, who acted as spokesmen for the rest, said that they were all old and faithful servants of the Raja, whose constant desire it was to confirm himself to the advice, and meet the wishes of the British Government; that they considered, as he did, that every thing rested with that Government, as represented by the Resident, beyond whom they knew of no authority in India or England; that they would all serve as though the Maharaja were still alive, and trust to the Resident so to state their case as to get the consent of Government to the last act of His Highness, on which depended the bread of so many thousands who had been fed in that place by the Raja and his predecessors for hundreds of years.

3. I then recounted to them at greater length the reasons which prevented my recognising any adoption, or pledging myself to the course Government might see fit to pursue, till I received its orders. They stated they were quite content to leave the matter to the decision of Government and serve on, as I might order, in reliance on the justice and liberality of the British Government, and ended by asking me to explain in person to the elder Ranee what I had just stated to them.

4. I accordingly in the evening, accompanied by Dr. Murray, followed them to the palace, where, within a room occupied by the Hoozooreas and other members of the late Raja's Court, the Ranees were seated on the ground in the manner usual for mourners, the elder a little in front of the two younger ones, and the adopted son on a corner of the carpet; Mama Saheb Senaputtee, the Furnese, Chitnese, and about half a dozen other officers of superior rank, were also present.

5. After repeating what I had stated to the chiefs in the afternoon, the elder Ranee said she trusted entirely to the Resident to enable her to carry out her husband's last wish as regarded his adopted son. I then told her yet more distinctly the obstacles to any recognition of the act pending the receipt of orders from the Government, which it might be long before I received, as she was probably aware of many conflicting claims, all of which must be weighed and decided on before Government could come to a decision; that her truest policy was to await that decision, in patient confidence that it would be dictated by a strict regard to justice, and the interests of her late husband's subjects; which was the only assurance regarding it I could give.

6. She said she was quite satisfied to leave the matter to Government; that the only instructions her husband had given her were to abide by the advice of the British Resident, and not to run counter to it, though a father or brother should advise her to the contrary.

7. His Highness, she afterwards told me, was occupied in dictating to her a written memorandum of his last wishes in this respect for her guidance on the morning of the day he died, when increasing want of power to speak prevented his completing it.

8. On the 7th I went, accompanied by Major James, Captain Thomas, and Dr. Murray, to the Uddalut Warra, in which most of the public offices were situated. The building is under the charge of Chinnera (Chimnajee) Saheb Bhosle, the grandfather of the boy adopted by His Highness. As already reported, all public offices had been sealed up, and placed in charge of sentries from Captain Thomas's regiment.

9. The treasury books showed a balance in hand of all kinds of Rs. 3,60,625, 3 *qrs.*, 93¾ *reas.* As it would have occupied a long time to examine the whole, a sufficient amount was set aside for current purposes, and the rest again sealed up. In this establishment every thing appears to be conducted on the system laid down by Captain Grant. Not a rupee could be paid without an order from His Highness, and all such orders were carefully recorded before and after presentation, and had to go through several separate offices; a receipt was always endorsed on the order in addition to the entry of payment in the books, so as to increase the efficiency of the check; and a daily note of the balance in hand was always presented to His Highness.

10. The Dufter or Revenue Department, and Chitnese or Secretaries' office, the Hushum or office for Sebundees, a very extensive department, three Courts of the Ameens, and the Foujdaree establishment, with a prison, in which are confined some of the prisoners under trial, were all in the same building. On removing the seals from their offices, I desired all these functionaries to continue in the discharge of their several duties in the same manner as if His Highness had been alive; but pending the decision of Government regarding the course to be pursued in future, to look for the orders they would have received from His Highness to the British Resident.

11. The same orders were repeated in succession to each public office which was visited. The Khasgee dufter, close to the old palace, is under the personal superintendence of the Furnavese. In it are kept the accounts of His Highness's personal expenses and of the household, of all the establishment of horses, elephants, camels, &c. &c. The books showed a balance in the kasjee or private treasury, under date the 4th April, of Rs. 5,316-8-6, besides 27,000 Rupees which were then in deposit, 10,000 Rupees to be paid to the British Government on account of the ex-Raja's pension, and 17,000 Rupees (not 15,000 Rupees as stated in my letter No. 31 of 6th April) which,—in compliance with a custom not uncommon among persons of wealth in extremity,—His Highness had ordered to be given in charity, as his "tol" (weight) to Brahmins, who were to pray for his recovery, but which had not been actually distributed when he expired.

12. Besides the Khasgee dufter, which is, as may be supposed from the work to be executed, a very extensive department, His Highness had a really private treasury in the new palace, under the care of Suckram Chitko Vachleykur, a confidential Carkoon of the Khasgee establishment. He stated that the accounts showed a balance of about 13,633 Rupees, exclusive of a deposit of about 72,700 Rupees, of which 22,700 Rupees was claimed by Ooma Baee Ghatkey, a person on His Highness's establishment, as belonging to her. There being no time to examine this treasury, nor any immediate necessity, as in the case of the public offices, for setting any establishment to work, the whole was sealed up; and the same was afterwards done with the records relating to them, which the Karkoon stated were not very full, as His Highness usually himself put in and took out the money, and trusted more to his own memory than to any regular accounts.

13. The jewel and plate room, in which the seals were also kept, and the cloth room, in which a large quantity of valuable clothes were accumulated, were under the charge of Bawanbhow Jemadar. They were re-sealed, as no immediate necessity existed for opening them; and the same was done with regard to the armoury (jeraithkana), in which there was some valuable property in charge of a separate Officer with an establishment of smiths and other workmen, &c., under him.

14. A similar course was next day adopted, at the request of the elder Ranee, with regard to the two rooms, in one of which the clothes and jewels belonging to herself and the two younger Ranees were deposited, while in the other were placed those which His Highness had given the "Raja Adnya," whom, in compliance with His Highness's dying wish, she had taken under her protection.

15. For some time to come she said it would be impossible she should herself look to these matters as His Highness did; and though she had every confidence in the persons to whose charge the property was intrusted, it was only fair to them, at such a moment, to take every precaution which would ensure them against even a suspicion of abuse of trust.

16. In all these cases very perfect arrangements seemed to have been made, and very regular records were kept, by His Highness's order. There were a vast number of persons employed, but each had his distinct regular duty. Lists, with cost price, &c., or tickets attached to the articles, were in most cases forthcoming, and each Ranee's property was kept separate. During the last two days, with the help of Major James and Captain Thomas, exact inventories have been made out, which, when completed, will be made over to the Ranees, with the keys of the room in which their own property is deposited; and the same will be done with regard to the Raj Adnya's property, the keys and lists of which, when complete, I purpose making over to him in presence of the elder Ranee. Without some precaution of this kind there would, I apprehend, have been hereafter endless disputes about the property.

17. For a similar reason seals were placed on two rooms in the house of Ooma Baee Ghatkey, in which it was stated His Highness occasionally kept money and property belonging to him.

18. I have directed the Furnavese, who was the only person about His Highness at all in the position of a minister, to have all papers which would have emanated from His Highness himself prepared for my signature by the same parties, and with exactly the same formalities as in His Highness's time, the address being merely changed, where any address was usual, from His Highness's titles to the "Court of Sattara" (Raj Mundul Hoozoor, Sattara), and my signature being added to all orders to mamlutdars, &c., which it was not usual for His Highness to see. The course of business in His Highness's lifetime having been for each head of a department to enter the substance of all reports in the journal of that department, and take from His Highness's dictation a note of the answer to be given, which was sealed by way of authentication on the journal itself, and the answer drafted from it sealed and sent without further reference to His Highness, though the sealing was always done in his presence.

19. As far as I can judge, all seems likely to go on perfectly quietly pending the receipt of orders from Government as to the administration hereafter. But it is right I should inform Government that very great anxiety exists among all classes about the town as to the future; and no act is so trifling but that I hear it has been interpreted in various ways, favourable or unfavourable to the continuance of the State according to the hopes or fears of the party. Government will not be surprised at this, when it is considered that the bread of almost every one in and about the city depends, more or less, on the decision: besides the holders of jagheers, inams, &c., who may feel more or less secure according to the tenure on which they hold their possessions, there are at least 10,000 individuals directly supported by salaries from the Court, and most of these have probably many persons depend-

ent on them for subsistence ; on the expenditure of such Government servants mainly depends the trade of the city; and there are few of the cultivating classes even throughout the territory to whom the extinction of the dynasty of Sevajee would be matter of indifference. Most of those near Sattara, and all the more respectable families at a distance, have some relative in some situation or other in His Highness's service, and all for many miles round participate, more or less, in the benefit of the expenditure caused by the durbar.

f. Letter from the Secret Department to the Bombay Government, No. 86, *August* 18, 1848, published in the *Parliamentary Papers, Sattara Raj, pp.* 103—112.

(*Extract No.* 67).

I have the honour to acknowledge the receipt of your confidential letter in the Secret Department, No. 255, dated the 1st instant, transmitting a copy of a letter from the Secretary to the Government of India, dated the 22nd ultimo, No. 248, in which were enclosed copies of certain papers received privately by the Right Honourable the Governor-General from the President of the Board of Control, on the subject of the late Raja of Sattara's adoption of a successor, and desiring me to report confidentially on the matters therein set forth.

2. With the view of ascertaining the grounds of the assertions made in the letter in question, I sent privately for the alleged writers of the letters, translations of which were enclosed in your letter under reply; and I have now the honour to forward translations of the statements made by these parties to me. Anund Row Mohitey states, he wrote his letter himself. Suddoo Kalutkur employed one Balcrishna Wittul, *alias* Unna Shewré, as his amanuensis; the statements of all these parties are now forwarded.

3. I will briefly recapitulate, in the order in which they occur in the papers referred to me, the allegations therein contained, on which I conclude the Right Honourable the Governor-General is desirous of having explanation, and will add my own remarks on each; merely premising generally, that wherever the statements of the writers of these letters do not materially misrepresent the facts which occurred, as already reported by me to Government, I have considered that no particular explanation or remark would be deemed necessary.

Vide enclosures 1 to 3.

1*st Statement.*—"That Ballajee Punt Nathoo and Madhow Row Govind, native agents to the Resident, took an active part in causing the adoption by the dying Raja of the grandson of Chimnajee Raja Bhosle."

4. My previous reports and the memorandum by Dr. Murray already submitted to Government, will have conveyed to Government the impression that the two individuals above named took no part whatever in the adoption beyond witnessing the ceremony, in company with all who had, like them, the *entrée* to the palace. The strictest inquiries I could make have satisfied me that this impression is perfectly

No. 27, of 3rd April 1848; No. 31, of 6th April; and enclosed Memorandum from Dr. Murray.

Paragraph 1st of letter from Anund Row Mohitey:—"At the time of his decease, Ballajee Punt Nathoo, and on the part of the Resident, Madhow Row, both together made the grandson of Chimnajee Raja Bhosle, of Shergaum, as adopted son, and acquainted the Resident thereof."

Paragraph 3rd of a letter from Suddoo Kalutkur:—"Then Balajee Punt Nathoo replied: 'It is requisite that there should be some one to give water and to take the private property. We are the authorized

correct. As regards Ballajee Punt Nathoo, I have already reported to Government the anxiety which His Highness expressed to me, on more than one occasion, that this individual should not be allowed to interfere in any way in the affairs of his kingdom; that his Highness's dread of such interference did not desert him up to the moment of his death; and that it strongly actuated him in the adoption, the last important act of his life, I have the best reason for believing not only from the accounts given me by the natives who were present, but from the unquestionable testimony of Dr. Murray. It was not till His Highness had got the room cleared both of Ballajee Punt and of all his other attendants†, with one exception, that he announced his purpose of adoption, and directed preparations to be made for the immediate performance of the ceremony, and I have the best reason to believe that His Highness purposely delayed the announcement of his intention till he was able with a good grace to get rid of the presence of Ballajee Punt Nathoo.

persons.' Having said thus, an adopted son was taken."*

5. The fact was that His Highness, though always keeping up towards his own servants that appearance of respect and consideration which long and useful services merited, had in his heart a very great dread, not only of the decided and somewhat overbearing character of Ballajee Punt Nathoo, but of the weight which his influence with the Brahmin community, joined to his long connexion with the British Government, always gave to his opinion, and feeling probably quite unequal to much argument or discussion, His Highness was anxious to avoid the objections and difficulties, perhaps he correctly anticipated Ballajee Punt Nathoo would not be slow to offer to a course on which his advice had not been taken.

6. As regards Madhow Row Govind, the Native Assistant to the Resident, he could have had no power to take any active part in the matter, as long as Dr. Murray was present, as I had expressly informed His Highness that if he had anything to communicate to the British Government during my absence, he would make his wishes known to Dr. Murray; and I would respectfully submit that the account of what passed, given in his memoraudum by Dr. Murray, a most acute as well as impartial observer, fully exonerates Madhow Row Govind from having taken in the transaction in question, any part which transgressed in the slightest degree the strict line of his duty.

7. It will be observed that Anund Row Mohitey, Suddoo Kalutkur, and his amanuensis Unna Shewré, all state that they were not themselves eye-witnesses of what passed, nor did they get their information from any one who was present at the ceremony; that they wrote from what they heard in the bazars, with the addition, as Anund Row Mohitey frankly allows, of such particulars as he invented in the belief that they would be acceptable to his friends at Benares.

8. That people unconnected with the Court should suppose that the two individuals alluded to took an active part in recommending the measure at which they were present, will not appear surprising, if it be considered that both parties were, from their position, supposed to be well acquainted with the wishes of the British Government, and that it was a very probable supposition that so important a step would not have been taken by His Highness without some reference to what the British Government would think of it.

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* *Vide* para. 17 of memorandum, dated 1st April 1848, enclosed in the Resident's letter No. 27, of 3rd April 1848.

† *Vide* para. 5 of Dr. Murray's memoraudum, enclosed in the Resident's letter No. 31, of 6th April.

2nd Statement.—"That the Resident, on arriving at the palace on the night of His Highness's decease, behaved in a very unbecoming manner to the persons there assembled round His Highness's corpse."

Vide para. 9, and following paras. of letter, No. 31, of 6th April.

9. What passed on the occasion in question, is fully detailed in my letter noted in margin.

> Para. 2 of Anund Row Mohitey's letter:—"The Resident was very angry, and said, 'I told you not to take an adopted son, and you have taken one; but this adopted son is not the rightful owner or master (malik). He is taken to administer water, to be drunk at the time of death: well, it does not signify; well, he is only qualified for that purpose.' This the Resident explicitly said."

It was my disagreeable duty, in compliance with the instructions I had that morning received from the Honourable the Governor, to inform the widows, and those who were then assembled as mourners around the body of a very justly beloved sovereign, that I was unable, on behalf of the British Government, to recognize the last act of his reign; an act, too, on which, in their opinion, the existence of his dynasty, and the subsistence and reputation of almost all then present mainly depended. The duty was, I can safely say, one of the most painful I have ever been called on to perform. I was, for obvious reasons, desirous that what I said should be clearly and distinctly conveyed to the principal persons then present. But I can most distinctly and emphatically deny that I spoke in any way which could possibly be supposed to indicate anger, still less a desire to taunt, in the manner stated, the adopted son, who was then standing ready to take his part in the funeral rites of the deceased. On the contrary, when he and his grandfather were introduced to me, I spoke to them with all the kindness and consideration consistent with an explicit statement of the tenor of my instructions from the British Government, which I was in duty bound to communicate to them. Dr. Murray was by my side the whole time, and if the Government has any doubt upon the subject, I would earnestly request that a direct reference be made to him, to know whether, in his opinion, it was possible to have conveyed what I was bound to say to the chiefs, the widows, and the adopted boy, in any manner less grating to their feelings; at the same time, I would respectfully submit whether, if I had behaved in the unfeeling manner alleged, it would have been possible for me to have been viewed with any feeling of confidence or kindness by those I had so insulted: they have hitherto, without remonstrance or attempt, as far as I am aware, at indirect intrigue or agitation, submitted to a course of implicit reliance on the justice of the British Government; that course involved, in the interim a complete abandonment of all the functions and insignia of sovereignty by one who, according to their notions, is their lawful master, the undoubted rightful heir to the throne, and the first of his race, since the time of the founder, Sevajee, who had not enjoyed, even when deprived of all real power, the outward semblance of royalty.

No. 2401, reported on by the Resident, 20th June, No. 62.

10. I will here also take the liberty of reminding Government that in paragraph 9 of the anonymous petition referred to me on the 7th of June, I was charged with an exactly opposite indiscretion and breach of instructions, in holding out promises to the Ranees here, that the boy adopted by the late Raja would be recognized as his heir. As stated by me, in my report on that petition, that allegation is as totally devoid of truth as the present one; and I would

only now refer to it as the conjecture of an observer at Sattara, writing a month after the Raja's death, and judging from the implicit acquiescence of the Ranees and their advisers in all the arrangements ordered by the British Government, for which he could only account by supposing that the parties interested must have been kept quiet by a promise of the recognition of the Sattara adoption. The state of feelings to which this anonymous petitioner thus gives unconscious testimony, is, I would respectfully submit, quite inconsistent with the unmanly and unfeeling behaviour on the day of the Rajá's death, which is now attributed to me.

11. It will be observed that Anund Row Mohitey, the writer of the present letter, states that he was not one of the crowd of chiefs or dependants, in the Court of the palace, where the scene referred to occurred, and I would respectfully submit that the colouring he gives it may, without any injustice to him, be set down as a part of the statement which immediately follows it in his letter; and like it, as far as regards the feeling and expressions he attributes to me, a pure fiction of his own.

3rd Statement.—"That the Resident stated that the son adopted by the ex-Raja at Benares was the rightful heir to the throne."

12. With reference to any thing so palpably improbable as this, it is [un]necessary that I should do more than most explicitly deny that I ever said anything of the kind, and quote the words of the writer of the letter, when asked the grounds on which he made this assertion: "I of my own accord fabricated and wrote what was untrue, that it might please those at Benares. I wrote it entirely out of my own head."

Anund Row Mohitey's letter, paragraph 2:—"And the Resident furthermore said that His Highness Maharaja Purtapsing Chutraputtee took an adopted son at Benares, and he is the malik, *i. e.*, the rightful heir, successor, and master."

4th Statement.—"That the letter from Anund Row Mohitey was addressed to the Ranee of the ex-Raja, and that from Suddoo Kalutkur to Shahoo Maharaja, the son adopted by the ex-Raja."

13. Anund Row states, that his letter was to Pootlajee Sawunt, a dependant of the ex-Raja, now in the service of the Ranee; that he had since the Raja's death in April written no other letter to any of the people at Benares, nor ever written one to the Ranee, addressed to her by name, as this is stated to have been; though he had enclosed in his letter to Pootlajee, a note addressed simply to the "Ranee Maharaja," containing nothing but a submissive salutation.

Vide addresses of the translations of the letters from the two parties in question, and paragraph 1st of the letter "from His Highness Shahoo Maharaja Chutraputtee to Major M'Gregor, the Agent at Benares: Anund Row Mohitey, Ameer Row of Unklooj, sent us a letter of the 6th April, which is received, and therein the information of the decease of our highly honoured uncle Appa Saheb Maharaja." The letter came in the name of our honourable mother the Maharanee; the copy thereof is sent along with this memorandum.

14. Suddoo Kalutkur, the translation of whose letter I have addressed "to Shahoo Maharaja of Sattara," declares that he wrote to the Ranee and Babajee Chitnese, but can-

not read or write himself; and states, that his amanuensis, Unna Shewré, will be able to tell exactly what he wrote. Unna Shewré declares the letter was addressed to Babajee Chitnese alone, and that there was no other address of any kind, either on the enclosure or envelope.

15. It is possible all these parties may now be stating untruths, and that these letters were addressed to the Ranee and Shahoo Maharaja; if so, I leave Government to judge of the dependence to be placed on their statements in general; but I can see no reason why if they did address the letter to Her Highness and her adopted son, they should now deny it. Anund Row Mohitey denied no other part of his communication, except the alleged address; and all three parties must have supposed from my knowing the contents of their letters, that the original letters themselves, to whomsoever addressed, could at once be produced against them.

I may also remark, that when I read over to Anund Row Mohitey the address of the translation of his letter, as given in the enclosures to the letter from the Government of India, he seemed greatly shocked, as any well bred Mahratta would be, at the gross solecism in good manners implied in his (an inferior) addressing the Ranee by her real name as "Maharanee Rajesbaee."

16. If, on the other hand, the writers of these letters are now stating the truth, and their letters were addressed to Pootlajee Sawunt and Babajee Chitnese, the fiction whereby, whether for effect or for any other reason, the letters were represented in the memorandum to Major M'Gregor, as addressed to Her Highness the Ranee and her adopted son, Shahoo Maharaj, may show the extreme caution necessary in accepting any fact, however trifling, when vouched for by no other witnesses than they who have the management of the Ranee's affairs.

17. But to clear up all doubt on this subject, I would respectfully but earnestly request that Major M'Gregor should be instructed to call for the original letters, of which copies were forwarded to him, with the yad from the Ranee and her adopted son, dated Benares, 16th April, and that on the letters being given to him he should forward them to me, to be shown to the alleged writers, when it will not be difficult to ascertain which party is stating the truth.

5th Statement.—"That on the morning before his death, the late Raja sent a memorandum, desiring the Resident to bring (as the heir to the throne) the son adopted by his brother, the ex-Raja at Benares."

18. At this late period, it is perhaps hardly necessary for me to state explicitly that no such memorandum ever reached me, and that I never heard any rumour of His Highness having had any such intention. But I think I am warranted in affirming that His Highness never entertained any idea of the kind; had he done so, it is in the last degree improbable that he should not have mentioned it to Dr. Murray, who was at the palace at 8 A. M. on that day, or about two hours subsequent to the time assigned for the despatch of the memorandum.

Vide paragraph 2, of petition from Suddoo Kolutkur:—

"Early in the morning, before this event, Appa Saheb wrote and sent off a memorandum to the Resident to the following purport, viz.:—'I have not any order to take an adopted son, therefore, if it is your inclination, bring the son from Kasee,' (meaning the young adopted son, Shahoo Maharaj, from Benares);" in this manner the memorandum was sent off.

I cannot, therefore, believe that any such change, as is asserted, took place in His Highness's wishes; and of his sentiments up to the 3rd April, the last day I saw him alive, I can have no doubt. It had always appeared to me that if no objection existed on His Highness's part, the adoption, if any. were allowed, of the boy who claimed to be heir by adoption to the ex-Raja, might heal all differences, and put an end to the otherwise interminable disputes on the subject of this State. I was debarred by my position from communicating to His Highness my own opinions, or making any suggestion whatever on the subject, but whenever His Highness himself introduced it, and alluded to those who might expect to succeed him, I had carefully avoided saying anything which would imply that the boy adopted by the ex-Raja could on that account be less acceptable to the British Government than any other, and the result of his observations regarding the boy left on my mind always was that he was firmly convinced his own family and adherents could never live in peace under the rule of those who had brought up and would probably influence his brother's adopted son; such were his feelings, as I have already reported to Government up to the interview I had with him on the 3rd April. It is now stated that the memorandum proposing to adopt the son previously adopted by the ex-Rajá at Benares was written and sent off at 6 A.M. on the morning of the 5th April. Dr. Murray was with the Rajá at 8 A.M. on that day; I leave it to Government to judge how far it is probable that those feelings should undergo so perfect a change in so short a time, and yet that the Raja should not, two hours after it is stated he had written to me, say a word to Dr. Murray, in whom he justly placed so much confidence.

Vide p. 16 of Memorandum, enclosed in my letter, No. 27, of 3rd April, and No. 31, of 6th April 1848.

19. It is also worthy of remark, that he left unfinished, from want of strength to complete them, memoranda of his wishes, which he had designed on the 3rd April, and which related to subjects most nearly touching his personal feelings, and it is very improbable that he should have left them incomplete, and yet dictated and sent off the memorandum in question.

20. Had he sent it, it must have reached me in the course of the six hours which are stated to have elapsed before he became [in]sensible, and the grandson of Chunnajee (Chimnajee) Bhosle was adopted. I was only thirty miles off, and relays of horsemen were posted along the road, who brought to me the reports of the Rajá's health and Dr. Murray's notes in from three to four hours.

21. Lastly, it will be observed, that Unna Shewre denies having said anything of the kind in the letter addressed, wrote for Suddoo Kalutkur. The production of the letter which is said to have been received from him, can alone determine whether he be telling an untruth, or the writers of the memorandum to Major M'Gregor committing a forgery; but in either case Government will be able to judge what credence can be given to a story of which, though communicating freely with men of all ranks and parties, including many devoted adherents to the ex-Raja, I never heard a whisper, till I read it in the enclosures to your letter under reply.

6th Statement—"That His Highness the late Raja, had become insensible before the adoption took place."

22. This is an important point, as affecting the validity of the adoption, and it is not necessary that I should refer to the concurring Paragraphs 2 and 3 of the letter from Suddoo Kalutkar:—

2. About six hours after or at noon,

testimony of the large number of persons who witnessed the ceremony, because Government have before them, in the memorandum drawn up by Dr. Murray (*vide* the Report from the Resident, No. 31, of 6th April 1848), the most conclusive and satisfactory evidence that His Highness retained the full use of his faculties till after the ceremony was over.

23. In paragraphs 5 to 13 of that memorandum, Dr. Murray relates the manner in which His Highness announced to him his purpose of adoption, the arguments by which he endeavoured ineffectually to persuade His Highness to await my arrival, and the deliberate manner in which His Highness dictated to him a formal written announcement of the act of adoption to be given to me, the particulars of the ceremony as ordered by His Highness himself, and of many verbal messages on various other subjects, which His Highness, after the ceremony was over, and the room cleared, communicated to him, and begged him to communicate to the Resident and others.

Appa Saheb's state became very much altered for the worse, as at the point of insensibility and death.

3. At that time Chunnajee (Chimnaji) Bhosle's grandson in the greatest hurry, endeavoured to make and institute himself as adopted son. Dr. Murray was by, and said, "What are you doing this for without orders." Then Ballajee Punt Nathoo replied, "It is requisite that there should be some one to give water, and to take the private property. We are the authorized persons." Having said thus, an adopted son was taken. Dr. Murray wrote down this circumstance as it occurred, when, in the meantime, Appa Saheb departed this life.

24. The original note which Dr. Murray wrote down at the Raja's dictation, as described in page 10 of Dr. Murray's memorandum, is enclosed; it was written on his knee by the Raja's bed side, but would of itself be more than sufficient to disprove the assertion that the Raja was unconscious of what was doing around him.

Vide Enclosure No. 4.

25. I have Dr. Murray's authority for stating that he never saw His Highness more perfectly in possession of his faculties, or more entirely directing all that should be done, than previous to, and during the ceremony of, adoption; that His Highness spoke distinctly and collectedly for fully half an hour after the ceremony of adoption was over; that he appeared able to speak, had he wished it, to a much later period, and seemed to be fully aware of all that was going on around him till within a few minutes before his death.

26. I may here observe that Dr. Murray had been in the habit of seeing His Highness constantly for the last four years, that he had visited him almost daily since the commencement of his fatal illness, and that there could not, therefore, be a better judge in every respect of the points in question.

27. As to Chimnajee Bhosle's grandson (the boy adopted) having, as here stated, himself taken any steps to procure his own nomination as adopted son, it is perhaps hardly worth while to state that he is a shy, retiring lad of 12 years old; and so little idea had his family of his competing with the other relatives of the Raja who were eligible for adoption, that when the Raja sent for him there was some difficulty in finding him.

28. It may be observed that the writer of the letter, the translation of which contains the assertion in question, denies that he wrote the passage as given in the translation; he also denies having written several other passages in the subsequent part of the letter, as they stand in the translation; but the points at issue are not of much consequence, except as affecting the credibility of the parties to the correspondence.

7th Statement.—"That the son adopted by the ex-Raja Purtabsing, at Benares, is the nearest of blood, and the son adopted by the late Raja Appa Sahib, at Sattara, is a distant relation."

29. The writer of Suddoo Kalutkar's letter denies having written the passage containing this assertion, and it may possibly have been intended merely as a remark by the party forwarding that letter. As, however, it is calculated to convey a very erroneous impression regarding the custom of adoption in this country, I may remark, that according to Mahratta usage, propinquity of blood has nothing whatever to do with necessary preference in the selection of an adopted son, and adds nothing to the rights of the adopted beyond what he may possess as heir to his adopted father.

Vide note at the end of Suddoo Kalutkur's letter:—

"The adopted son, Shahoo Maharaj, adopted by Purtabsing in the year 1845, is the nearest of blood to the family. The son adopted by Appa Sahib on his death bed is a far distant relation."

30. I have examined a vast number of instances of adoptions, taken indifferently from all ranks of society, and at all periods of Mahratta history, in the time of Sevajee, of the early Rajas, of the Peishwas, of our own Government, of the ex-Raja, and of his late brother, and I have failed to find one which went to establish any principle of selection other than the will of the party adopting, influenced generally by the wishes of the sovereign, and the canons of choice laid down in the Dhurmee Shastrees, but sometimes acting in opposition to both.

31. The age of the adopted, the number of his brothers, his personal qualities, and the prognostics of his horoscope, seem to have been much more attended to than nearness of blood; the only almost indispensable requisite seems to be that the adopted should be of the same tribe (Gotru*) as his adopted parent, but even this was sometimes waived by special permission of the sovereign, even when near blood relatives existed.

32. The motives which seemed to have influenced Mahrattas in their selection of adopted children can be likened to nothing that I know of in our own country so exactly parallel as those which guide childless persons of property in England in disposing of their estates by will. The main point looked to is personal liking, influenced often by other considerations of propinquity, or justice towards those who, in the case of intestacy (or non-adoption) would succeed to the estate.

33. The effects, however, of adoption on the adopted son are very different from those of a will on the legatee. The adopted son is entirely severed from his natural parent branch, and grafted into the place he would have occupied had he been the natural offspring of his adopted father. His own natural father stands to him in no other legal relation than is sanctioned by that natural parent's propinquity to his adopted parent; and unless the natural and adopted parent were sufficiently near relations to justify his doing so, the adopted son cannot formally mourn for his natural parent, nor inherit any part of his natural parent's property, as long as that natural parent left any relations who, though by natural birth more distant than the son, had not, like him, by the fact of being adopted into another branch, been cut off, and rendered, as it were, legally dead to the branch to which by birth he belonged.

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* *Note.*—To be of the same "Gotru," implies descent from the same rishee, and consequently blood relationship, however remote; the common expression is that both parties are of the same "hadhmas," (bone and flesh,) "bone of my bone" and "flesh of my flesh."

34. It follows from the above that though the boy adopted by the ex-Raja was by birth the ex-Raja's first cousin, once removed, he was, previous to his adoption, legally speaking, no nearer relation than the boy adopted by the late Raja, because the father of the late Raja and ex-Raja was himself adopted out of the Warvee (Wawee) branch of the Bhosley family, and by such adoption became legally the son of the Raja of Sattara, loosing all legal connexion with the Warvee (Wawee) family, except such as he derived through the royal house of Sattara, and in all legal matters of mourning, inheritance, &c., his own natural brother of the Warvee (Wawee) house (the grandfather of the boy lately adopted) at Benares, became to him no more than the very distant relation of the royal family, and their connexion would be only legally traceable through the common ancestor of the houses of Warvee (Wawee) and Sattara seven (7) generations before them.

35. The Warvee (Wawee) and Shedgaum house (from which the boy adopted by the late Raja, in April last, was taken,) are connected with the Sattara house through the same common ancestor, from whom they are equally distant, and it would be a very intricate question of genealogy to say which was the nearer. Each adoption is, I believe, regular and legal in itself; but were it otherwise, neither boy could legally assert any right, as derived from propinquity of blood, at all superior or even equal to a host of other relations, each of whom could bring forward a strong case to prove himself the nearest blood male relation.

36. Each boy, according to Hindoo law, occupies precisely the same position and inherits the same rights as if he had been his adopted father's legitimate male issue. His blood propinquity by natural and actual descent cannot increase those rights, nor can the fact of his being adopted, and not actually born, diminish them.

37. I will not go so far as to say that the universal Hindoo custom is as I have stated, because I have not the requisite knowledge either of general Hindoo law books,* or of the usage in other parts of India; but I can safely affirm that the custom throughout the Mahratta nation, for the last two centuries, is as above described, and that it is in accordance with the precepts of the text books which are commonly received as authoritative exponents of the Hindoo law in this part of India. The provisions may appear strange to us, but without adverting to laws of inheritance in our own and other highly civilized European countries, equally or even more inexplicable on any grounds of general morals or public policy, it must be borne in mind that the law in question has regulated, and still (where our Government does not interfere) regulates the inheritance of all classes and castes of a numerous, and, till lately, very powerful people.

38. The religious care with which family connections are kept up and recorded among the Hindoos renders it very rare indeed that there is any difficulty in making out the connection of a blood relative as heir to a property, and the custom of adoption has but little therefore to do with the necessity of providing an heir; nor, indeed, with any other worldly motives, unless perhaps with the universal desire of perpetuating a name, which, according to Mahratta ideas, can only be done by direct male descent. The grand motive is the religious dogma that, without the vicarious merit of certain posthumous ceremonies, the soul of the departed is condemned to a lengthened period of purgatorial torment. These

*Note.—The law prevalent among the Mahrattas is very little different from that given in Strange's Hindoo Law, vol. I., page 61; but the authorities principally relied on appear to be different, being taken more from the Poorans, and other comparatively speaking more modern expositions of Hindoo Law.

ceremonies can only be efficaciously performed by a son; in this iron age by only two out of the twelve kinds of sons known to Hindoo law, viz. the legitimate son by birth, and the son by adoption. Inability, therefore, to adopt is viewed by a Mahratta in much the same light as that in which a Roman Catholic would regard inability to procure posthumous masses and prayers for the rest of the soul; and the consent of a parent to give his child to be adopted is universally looked on as a meritorious act of charity, inasmuch as it frees the dying man from the fear of prolonged torments after death.

39. I much doubt if a single Mahratta family of any consequence could be found in which the succession has continued for a century and a half without having recourse to adoption. Indeed a moment's consideration will show that there is a natural impossibility in such uninterrupted succession, as long as the natural custom remains as at present. Direct male succession, without once passing from an elder to a younger brother, or to a paternal uncle, nephew, or cousin, is obviously impossible, for many generations together, in any country; and among the Mahrattas, whenever a man of property feels his end approaching, he endeavours to adopt a son, sometimes the child of a younger brother, or other near relation, who would naturally be his heir; sometimes, where there has been a family quarrel, a far distant relation; but he will never willingly die childless, nor, if he can help it, leave the estate to descend to even a nephew, as after himself his father's next heir, when, by adoption, he can make that nephew his own son.

40. As the foregoing remarks have, contrary to my expectation, extended to a very inconvenient length, I will now briefly recapitulate the main points which have been insisted on.

1*st*. That the parties who wrote the letters, of which translations were forwarded to the Right Honourable the President of the Board of Control, deny having written letters addressed as the translations are, and deny having written many of the most important portions of the letters in question to any one.

Vide Enclosures Nos. 1 to 3, and paras. 13 to 16 above.

2*nd*. That to test the credibility of the parties to the correspondence, it is very desirable that the original letters should be called for by the Agent for the Governor-General at Benares, and sent to Sattara for authentication.

See above, para 17.

3*rd*. That the allegations that Balajee Punt Nathoo, and Madow Row Govind, native agent to the Resident, took an active part in the adoption of a son by the late Raja, is opposed to the fact, as testified to by the unimpeachable testimony of a competent eye witness, and is, according to the writers of the letters themselves, destitute of any better foundation than common bazaar gossip.

See above, paras. 4 to 8.

4*th*. That the assertion that the Resident spoke angrily to the Chiefs, &c., assembled round the corpse of the late Raja, and tauntingly of the boy he had adopted, is utterly untrue.

See above, paras. 9 to 11.

5*th*. That the statement that the Resident ever asserted the boy adopted at Benares to be the rightful heir, is untrue, and, by the confession of the writer of the letter in which the assertion is contained, a pure invention of his own.

See above, para. 12, and Encl. No. 1.

6*th*. That the assertion that the late Raja sent a memorandum, authorizing the Resident to bring the boy adopted by the ex-Raja at Benares, to Sattara, as the late Raja's heir, is utterly untrue; that His Highness never expressed any such intention, and that there are the strongest possible grounds for believing that he never even entertained it.

See above, paras. 18 to 21.

7th. That the assertion that the late Raja was insensible when the adoption took place, is destitute of any foundation, and that he was in perfect possession of his faculties when he directed the act itself and every ceremony connected with it.

See above, paras. 22 to 28.

8th. That the assertion that the son adopted by the ex-Raja, at Benares, is the nearest of blood, and the boy adopted by the late Raja, at Sattara, a more distant relation, is not correct. According to the Hindoo law of succession, that by such Hindoo law, and by universal Mahratta custom, both boys before their adoption stood legally, as nearly as possible, equi-distant from the two brothers, the late Raja and the ex-Raja; that by the same law and custom, each boy now stands precisely in the same position as if he had been the naturally born legitimate son of his late adopted father; and that if the adoptions be set aside, there are numerous male blood relations of both the deceased Rajas, whose claim to be considered the nearest male heir is, according to the law and custom referred to, equal, and in many cases superior, to that of either of the boys in question.

See above, para 29.

41. It only remains for me to express a hope that the explanations I have submitted may be considered satisfactory by the Right Honourable the Governor-General, and that if I have omitted to notice or to reply fully and satisfactorily to any point which His Lordship may think require a further explanation, he will do me the favour to refer to me once more the specific points on which His Lordship may not be satisfied.

42. I would also beg to be allowed to thank His Lordship for allowing me the present opportunity of replying to the prejudicial statements contained in the enclosures to your letter, and to express a respectful hope that he will do me a similar justice, should I on any future occasion be exposed to those calumnies and misrepresentations, which no man desirous of doing impartial justice to conflicting interests can hope long to escape.

g. Letter to the Bombay Government, No. 93, *September* 2, 1848, published in the *Parliamentary Papers, Sattara Raj, pp.* 94—96.

(*Extract No.* 68.)

I have the honour to request that you will obtain for me the instructions of Government as to the course I am to pursue at the ensuing Dusserah, should no final instructions relative to the disposal of the State of Sattara be received before that time.

2. The Right Honourable the Governor in Council is aware that the festival in question is a very important one in the civil polity of the Mahrattas. All who hold land of the sovereign by service tenure, are, by immemorial custom, bound to answer the summons to appear, and under their stipulated service, or to show good reason for non-appearance, on pain of forfeiture; and the like obligation exists on the part of all sub-tenants of service land, of whatever degree, towards their immediate superior.

3. The secular observances connected with the anniversary, consist of Durbars, at one of which every servant of the Raja, of whatever kind or degree, and even strangers of respectability, did homage, and made presents to His Highness and his wives, according to their means. At another durbar the Raja and his Jagheerdars mutually presented each other with dresses of honour, and the whole ended with certain religious observances, in the course of a general procession, in which every one present had his customary place to fill

and duty to perform; for instance, the Punt Pritinedhy sat in the "khurvas," behind the Raja's howda, and held the fan of peacock's feathers, one of the emblems of royalty. Advantage was also generally taken of the period of assemblage to decide, in presence of the parties, all disputes in which chiefs or their immediate personal followers were concerned; and about the same period the Honourable the Governor used to send a present of dresses of honour to His Highness and each of his wives, which were acknowledged by a similar present from the Raja.

4. Great importance appears to have been always attached, both by Mr. Elphinstone and Captain Grant, to the strict observance of these usages, as a means of maintaining service tenures in efficiency, and marking, unmistakeably, the nature of the tenure on which the several jagheers were held, and also of bringing the chiefs of various ranks into annual communication with their feudal superiors, and of insuring their presence, at least once in the year, to answer complaints, without subjecting them to the ordinary, and, in their estimation, humiliating process of the common Courts of law.

5. Formerly the Resident used to take a prominent part in some of the ceremonies, but since 1841 he has had nothing to do with them, merely receiving the guaranteed jagheerdars before they enter, and after they leave the town at the commencement and end of their annual visit, disposing meanwhile, at less formal durbars, of disputes in which they may be concerned, and which have lain over for the occasion, and usually attending on any day but that of the Dussera itself, at one of the State durbars, at which all his feudatory chiefs waited on the Raja.

Vide Mr. Acting Secretary Blane's letter, No. 2,345, of 16th August 1841.

6. The embarrassment attendant on the occurrence of the festival, while the question of the succession remains undecided, consists in its mixed character as a partly secular and partly religious observance; the latter being also partly of a domestic, and partly of a State character, and in the difficulty as to who should take that place which used to be filled by the Raja.

7. Even if the Resident were to hold the durbars, and receive and give the nuzzurs in the same way as he discharges, for the time being, in the name of the English Government, the duties of a secular ruler, which used to be discharged by the Raja, he could not take a similar part in the religious ceremonies, which, after all, are the main feature of the festival, and the celebration of which is here one of the privileges and marks of royalty.

8. If, on the other hand, the people are left to arrange the religious ceremonies, as matters in which the British Government has no concern, the Jagheerdars and chief officers of State would take subordinate parts in them only on the understanding that the person who acted the principal part was their feudal superior. They would, moreover, assuredly apply to the Resident for his instructions for their guidance on the occasion.

9. On the other hand, to intimate to the parties concerned that their attendance will not be required at all at the festival this year, is open to many serious objections, not the least of which is the speculation to which the intimation would give rise, among a class who have few means of correct information relative to the acts of the British Government, and its reason for what is done, and whose credulity might lead them to believe any of the numerous absurd stories which would be sure to go abroad in consequence, during the present state of

uncertainty as to the final disposal of the State. The measure in question would also be, for obvious reasons, highly distasteful to the family of His Highness the late Raja, and hardly less so to the numerous servants and dependants of every kind, Military and Civil, who anticipate that the continuance of their present employment is contingent on the maintenance of Sattara as a separate State. This feeling is largely shared by the shopkeepers and merchants of the city, whose trade is chiefly dependent on the custom of the durbar and its attendants, and who look forward to the Dussera as a London tradesman does to "the season," as the time when a few weeks of brisk trade are to recompense him for the dullness of other months of the year.

10. The only middle course which occurs to me is to allow the widows of His Highness to take their places as his present representatives in the Dussera ceremonies and processions, to allow the durbars to be held by them, they of course sitting behind screens in the usual manner. The Jagheerdars, &c., would then make the usual "nuzzurs" to them, as heretofore, and omit the "nuzzur" they used to make to the Raja. The Ranees would receive, as heretofore, the annual present from the Honourable the Governor, making a return in their own names, and would head the procession in covered conveyances, and perform the "pooja," with which the whole festival concludes, receiving the same salutes as were usual whenever they moved out in their husband's life-time.

11. The Jagheerdars, &c., would not object to take their usual parts in ceremonies so conducted, as it is the general Mahratta custom to pay all the same honours to the widow of a master or sovereign, as to the master or sovereign himself when alive; and it would not pledge the British Government to more than a continuance to the widows, during their lives, of the same or similar ceremonial honours, which they enjoyed during the life-time of their husband, and which would, I conclude, be conceded to the Ranees, whatever might be the decision of the Government relative to the disposal of the late Raja's dominions.

12. The course I have proposed is not free from objections of etiquette, on the part of His late Highness's widows, but they would, I believe, be willing to waive them; and it is the only plan I can think of, to which all parties concerned could be brought cheerfully to agree, maintaining the present reserve of the British Government, and neither acknowledging nor finally disallowing the adoption by His late Highness.

13. Hitherto, though the Ranees in their own palace treat the adopted boy as the son of one of themselves, he has never received any public marks of respect in the shape of salutes, &c., which could mark him out from any other of their Highness's attendants; and I have steadily refused all suggestions to recognise him, in any particular, however trifling, in any other position, and however mortifying my refusal may have been at the time, I believe its obvious propriety has always been in the end acquiesced in by those concerned. But I can see that all parties interested in the maintenance of Sattara as an independent State, look forward to the Dussera ceremonies, and the manner in which they are conducted, as likely to afford clear indications of the intentions of the British Government, and the course suggested is the only one which occurs to me which would not be considered as an unmistakable indication, either of an intention to annex the State to the British dominions, or to recognise the adoption, as if orders had actually arrived on the subject from Government.

14. On the occasion of some of the few religious anniversaries which have occurred since the Raja's decease, I have seen symptoms of the embarrassment which I anticipated at the

Dussera; the occasions in question have all been festivals, the observance of which was a pure matter of domestic or private religion, in which, therefore, I was anxious not to interfere; but the Ranees, as a matter of course, invited to their celebration at the palace, all chiefs and Officers of State who might happen to be at Sattara, and would naturally have assigned to each the post and office which he would have filled had the Raja been present, the adopted boy taking the Raja's place. Some of the parties invited anticipating what would happen, referred to me to know what they were to do. The difficulty was got over at the time by privately advising the elder Ranee not to raise questions, and expose themselves to mortification by pressing the attendance of any one whose presence would intimate the royal character of the principal celebrant, and I subsequently advised the few chiefs of the class referred to, to absent themselves from Sattara, or to make some civil excuse for non-attendance; but such expedients will not obviate similar embarrassment at the Dussera.

15. Should Government consider that the occasion hardly warrants my troubling them with the above details, I would beg to remind them of the protracted contests constantly engendered among Mahratta village officers by their disputes among themselves, relative to the celebration of this particular festival, as illustrating, better than anything I could say, the importance they attach to it, so far beyond anything which, in our estimation, it could possibly deserve.

P.S.—I have omitted to mention that the nuzzurs, or presents, mentioned in para. 3, are always credited to the "khasgee", or privy purse of the Raja, and not to the General Treasury.

h. Letter to the Bombay Government, No. 95, September 5, 1848, published in the *Parliamentary Papers, Sattara Raj, pp.* 115—117.

(*Extract No.* 69.)

I have the honour to state that as regards the blood relationship of the boy adopted by the ex-Raja at Benares, a fact which appears to me of much weight, if it be not absolutely conclusive, as to any preference on the ground of nearness of blood, escaped me at the time of writing paragraphs 29 to the end of my letter to you, No. 86, of the 18th ultimo.

2. The fact I refer to is, that Bulwunt Row Bhosle Senapattee, the natural father of the boy in question, and his immediate relations, were prevented from mourning for the ex-Raja's brother, who died in 1821, by the ex-Raja's mother, who was at the time considered as head of the Sattara family, and that during the ex-Raja's own reign Bulwunt Row never afterwards mourned for any of the Raja of Sattara's relatives, up to the day of the ex-Raja's deposition.

3. Government is aware that it is the custom of the Mahrattas to mourn and remain unclean, during a certain period, for all deceased relations, their connexion with whom is traceable through a common ancestor less than seven generations removed.

4. Some families mourn and remain unclean three days for all relations, their connexion with whom is through a common ancestor seven generations removed, and not at all for those more distant; this was the rule with the royal family of Sattara. Others mourn ten days for all with whom they are connected through a common ancestor seven generations removed, and three days for all others with whom they are connected by an ancestor ten generations removed. The latter is the utmost extent of mourning ever observed.

5. The circumstance, therefore, that the father and near blood relatives of the boy adopted at Benares, were not allowed to mourn for the ex-Raja's own brother, shows that by Mahratta custom they were considered as connected only by the common ancestor to the houses of Sattara and Wawee, and not through their grandfather of the Wawee house, the natural common ancestor of both the Senaputtee and the ex-Raja and his brothers; or in other words, that the father of the ex-Raja and his brothers, when adopted out of the Wawee into the Sattara house, was acknowledged to have lost all legal connexion with the former, through his own natural father, and to retain that connexion only which he would have possessed had he been naturally born in the Sattara family.

6. I well remember that the circumstance was incidentally mentioned to me by the late Raja; but it escaped my memory when writing on the subject in my letter of the 18th ultimo; I have since made particular inquiries on the subject from every old man about the Court who was in a position to have known what passed on the occasion in question, and the following is the substance of the facts they have certified to me.

7. When Bhow Sahib, the second brother of the late Raja and ex-Raja, died in 1821, Bulwunt Bhosle Waweekur, the late Senaputtee, sat down as a mourner; whereupon Maee Sahib Maharaj, the mother of the late and ex-Raja, said to him "You have no business with our Sooer Sootuck, (the uncleanliness of all members of a family for a certain period after the birth or death of a member), and such being the case, it is no use for you to sit as a mourner, for some such object as making out a title to inheritance; and having said this to him, she made him put the sandal powder mark on his forehead (which is removed during mourning) and made him sit among the other members of the Durbar.

8. "When the eldest wife of the late ex-Raja died at Sattara, and his mother died in 1821, and the widow of Bhow Sahib, the second brother of the Raja above-mentioned, died in 1833, Bulwunt Row Bhosle did not sit as a mourner for any of them."

9. Among the parties who can testify to the above facts, from their own personal knowledge, are two brothers-in-law of both the ex-Raja's younger brothers; and altogether the position of the parties who could give evidence on the subject makes it impossible they should be mistaken as to facts, which must have been notorious to every one of the relations of the Raja's, and to all who were employed about the Durbar.

10. It may also be remarked as bearing both on the adoption by the late Raja, and on the general question of the connexion between the natural relations and a member of a family, who has gone by adoption into another branch, that one of the ceremonies of an adoption is for the eldest member of the family, whence the adopted is taken, to give to the party adopting a written paper renouncing all claim both on the boy and on the property of the family into which he is adopted, beyond what he may have been possessed before the adoption.

11. Such a paper was given to the late Raja at the time of the adoption in presence of witnesses, by the grandfather of the boy adopted, and afterwards countersigned by the boy's father on his return to Sattara. It states that he (the grandfather) of his own free will, gave his grandson at the time and place specified, to be the adopted son of the Raja, and promising that he and his son, both being in the Government service, would continue to discharge their duties as the Government might direct, and would never make any claim to the State or anything connected with it.

12. If, as is done in every regular adoption, a similar paper were given by the ex-Raja's grandfather, when his son was adopted into the Sattara house, it would be an effectual answer to any claims of blood relationship on the part of Bulwunt Row, or his other descendants.

13. As regards the right of the late Raja to set aside, by the adoption of a son, any rights which might otherwise exist, on the score of blood relationship, it may not be out of place to advert to what would have been the rights of the ex-Raja had he never been deposed.

14. There can, I imagine, be no question, but that previous to the ex-Raja's deposition, his brother, the late Raja, was his heir, and would have succeeded him, naturally, and, as a matter of course, had the ex-Raja died on the throne childless.

15. But, supposing the ex-Raja, while on the throne, and retaining the confidence and friendship of the British Government, had adopted a son, or had sanctioned an adoption by his second brother, who was older than the late Raja, there can, I suppose, be no question that such an adoption would have been regarded by the British Government in accordance with universal Mahratta custom, as superseding the claims of the third and youngest brother of the late Raja. Indeed, it is not easy to see on what grounds such an adoption by a sovereign while retaining his rights as such could have been disputed.

16. If such would have been the right of the ex-Raja by such an adoption, to supersede the rights of his own brother, it is clear that a regular adoption by that brother who had succeeded the ex-Raja in all his rights, after his deposition and political death, must supersede any claim which could be advanced, on the score of blood relationship, by a more distant relative.

17. But whatever on these points might be the decision of the British Government, I would beg respectfully to suggest, that the case of the late Raja's adoption as against that of his brother, should not be considered as fully stated in what I have advanced. There may, from what I know, be much more to be said than what I have stated; and should the Government think the case weak in any points, I would respectfully submit, as a measure of obvious justice to the parties concerned, that they be called on to show how such points can be supported, before any final decision is passed. I have hitherto, for obvious reasons, abstained from formally putting them, so to say, on their defence, and till they are in such a position, it is clearly hardly safe to conclude that all that can be said, on their behalf, has been stated.

i. Letter to the Bombay Government, No. 106, *September* 23*rd*, 1848, published in the *Parliamentary Papers, Sattara Raj, pp.* 118—120.

(*Extract No.* 70.)

No. 83, dated 18th August 1848; No. 95, dated 5th September 1848.

With reference to my letters noted in the margin, I have the honour to state, for the information of Government, that in consequence of having made more particular inquiries as to the relative relationship to the house of Sevajee, of the families of Wawee (whence the boy adopted by the ex-Raja) and of Shedgaum (whence the boy adopted by the late Raja) were respectively taken, I have seen reason to believe that I was myself under considerable misapprehension with regard to the branches of the family, which struck off from the main stem in

the earlier days of its history; and as I find none of the pedigrees on record here either complete or correct, according to my present information, and as those before Government are possibly equally defective, I think it right to submit to Government the results of my enquiries, as shown in the enclosed pedigree, without delay.

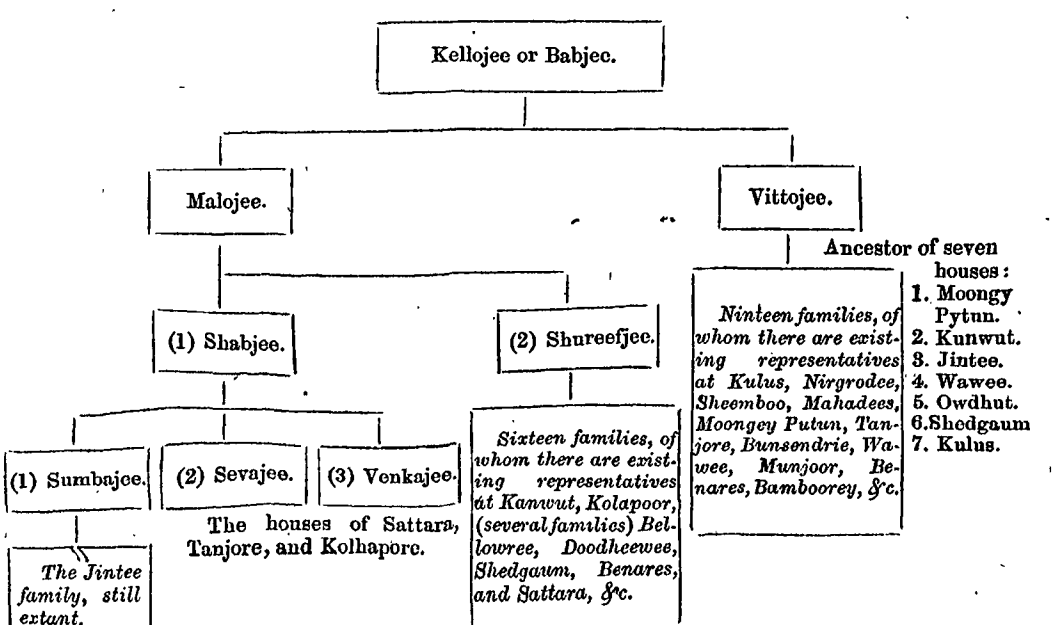
2. It is also due to the boy adopted by the late Raja, that I should take the earliest possible opportunity of acknowledging that, owing to the deficiency of my information, I did not, in the letters referred to, do full justice to the strength of the answer, which might be given to the objections taken by the adherents of the ex-Raja against the adoption by the late Raja.

3. The details of the family tree, now forwarded, might doubtless be much amplified, and possibly slightly modified by further inquiry from the members of the various branches; but I have no reason to believe that any material error would be thereby discovered; and supposing the tree, in its general features, to be trustworthy, the following are the most important points in which it differs from the pedigrees which I had hitherto supposed to be essentially correct.

4. The latter make the seven houses, among which are Shedgaum and Wawee, the two immediately in question, as well as Kanwut and Jintee, descendants, in the same degree, of Vittojee, granduncle to Sevajee; and leave the houses of Sattara, Kolapoor, and Tanjore, no nearer relations than the descendants of Vittojee.

5. The pedigree now sent, makes the house of Wawee descend from Vittojee, but makes the houses of Kanwut and Shedgaum, descend from Sevajee's own uncle, Shureefjee; and the house of Jintee, from Sevajee's elder brother Sumbajee.

6. The difference will be better illustrated by the following abbreviated tree. The italic shows the variations according to the pedigree now sent:—


Kellojee or Babjee.
Malojee.
Vittojee.
Ancestor of seven houses:
1. Moongy Pytun.
2. Kunwut.
3. Jintee.
4. Wawee.
5. Owdhut.
6. Shedgaum
7. Kulus.
(1) Shabjee.
(2) Shureefjee.
(1) Sumbajee.
(2) Sevajee.
(3) Venkajee.
The houses of Sattara, Tanjore, and Kolhapore.
The Jintee family, still extant.
Sixteen families, of whom there are existing representatives at Kanwut, Kolapoor, (several families) Bellowree, Doodheewee, Shedgaum, Benares, and Sattara, &c.
Nineteen families, of whom there are existing representatives at Kulus, Nirgrodee, Sheemboo, Mahadees, Moongey Putun, Tanjore, Bunsendrie, Wawee, Munjoor, Benares, Bamboorey, &c.

7. From the details of the enclosed pedigree it will be seen :—

(1.)—That the selection of Abbajee Saheb of Wawee, the late Raja's and ex-Raja's father as adopted son to Ram Raja, in preference to any child of upwards of thirty houses more nearly related to Sevajee, is a striking instance that nearness of natural blood gives no necessary preference in adoption.

(2.)—That, supposing nearness of blood to have anything necessarily to do with preference in adoption, which I am respectfully, but very decidedly, of opinion it has not, the Shedgaum family, being descended from Sevajee's uncle, is much nearer related to Sevajee's house than the Wawee family descended from his grand-uncle.

(3.)—That, setting aside the representatives of Sevajee at Kolapoor, and of his two brothers at Tanjore and Jintee, regarding whose greater proximity to the Sattara family there can be no doubt, there are at this moment thirty branches, and possibly more, nearer to Sevajee than the Wawee branch.

(4.)—That, had neither Raja adopted, the heir to the elder branch of the house of Sevajee would have been found in the younger branch of that of Kolapoor, descended from Sevajee's second son; next to Kolapoor, in that of Jintee, descended from Sevajee's elder brother; next to Jintee, in that of Tanjore, descended from his younger brother; and next to Tanjore in one of sixteen families among which is that of Shegaum: after all of whom would come nineteen families descended from Sevajee's grand-uncle Vittojee, among which nineteen the family of Wawee would rank as one of the most junior.

8. I would take this opportunity of respectfully, but very earnestly, pressing on Government the risk of pronouncing any final decision, whether in favour of one adoption against another, or of the British Government against both, and against all other claimants, without allowing every party, whose claim may be negatived, the fullest possible opportunity, not only of himself stating the grounds of his own claim, but of answering all objections.

9. There is at present, as far as I am aware, no claimant to be heir of the late Raja who would think his own claim sufficiently strong to be put in competition with that of an adopted son of either the late Raja, or his brother, because all other relations who might otherwise be claimants, believe both adoptions to be regular.

10. But there are many who might have asserted their claim had no adoption taken place, and who may possibly assert it now, should they hear that both adoptions are invalidated; and any of them, as far as I can judge of the facts of the case before me, would, were other competitors, save the British Government, out of the field, be able to establish a very good *primâ facie* claim in any court of justice in India, to be the Raja's heir by blood, as against the British Government in its character of heir to all who die leaving no natural heirs of their own, which appears to me the only character in which our Government can, consistently with the treaty, lay claim to the Sattara State.

11. None of these claims having yet been put forward, none of them can have been tested; and the case of the adopted sons is not very different. They have, as yet, had no opportunity, as far as I am aware, of stating the precise grounds on which they claim to be heirs, nor for meeting the objections of those who deny that any adopted son can be heir in the sense intended by the treaty, till recognised by Government.

12. It may be that both sides of the case have been already very fully argued in the proceedings of Government; but no man is likely to admit the justice of a decision which,

negatives a claim to an inheritance when his case has been nowhere stated but by the counsel for his opponent, and when he, the defeated party, has had no opportunity of answering the objections taken to his claim.

13. Moreover, in the possible case of the ultimate decision being in favour of the lapse to the British Government, that opponent will have necessarily been judge in his own case. It is surely not desirable to add to the necessary and inevitable invidiousness of such a position, the circumstance of the judge having been also the self-constituted counsel for the defeated party.

14. Without for a moment questioning but that what is considered substantial justice would, under any circumstances, be done by the British Government to all parties, I may, I trust, without offence, be allowed to point out the peculiar circumstances of the present case which appear to render it most desirable that any measure which may be adopted should be not only just in itself, but that its justice should be apparent to all the late Raja's subjects.

15. The late Raja having been a just and humane, a liberal and popular ruler, any supposed want of equity in the appropriation of his dominions, whether by absorption into the Company's dominions, or by transfer to a rival and inimical party, will lack the popularity which a similar measure, whatever its grounds, would always find among the industrious and peaceful inhabitants of a State, delivered from anarchy and oppression. Moreover, as he was celebrated for his attachment and submission to the British Government, the measure will not find the excuse which all men make for a power ridding itself, even by means they disapprove, of a troublesome or dangerous neighbour, and which was certainly made by a large number of the ex-Raja's own friends, on the occasion of his deposition.

16. Should the Right Honourable the Governor in Council consider the preceding observations uncalled for, I can only plead my anxiety to do all that in me lies to prevent Government from being committed to any course which, I thought, further information at some future period might possibly make them wish had been either different in itself, or more fortified by the previous removal of any possible objections. Foreseeing the objection, I feel I should not be justified were I not to point it out, even at the risk of being told it had been long since known, or was not considered deserving of attention.

14. *Extract of a letter dated 27th April* 1849, *by Mr. John Briggs, a Proprietor of the H. E. I. Company, against the annexation,* published in the London *Daily News* of the 28th Instant.

(*Extract No.* 71.)

THE DEBATE AT THE INDIA HOUSE.

TO THE EDITOR OF THE DAILY NEWS.

41, York Street, Portman Square,
April 27th, 1849.

SIR,

Permit me to avail myself of the columns of your able and impartial journal, to convey to the proprietors of East India Stock my deliberate opinion on a subject of most grave and solemn importance, upon which they will be called to decide by ballot on Tuesday next.

I have just returned from an adjourned debate at the India House, on the justice and policy of the recent act of the Directors, in annexing to the British territory in India the principality of Sattara, ceded by treaty to the head of the family of Sevajee, his heirs and successors, in perpetual sovereignty.

The plea set up to support the measure of annexation is, that the late Rajah, Pertaub Singh, and his successor Appa Sahib, have both died without male issue, and that it is not incumbent on the Government of India, as lord paramount, to recognise collateral heirs or adopted sons.

The question which the Court of Directors have thus decided is one which will not merely affect the interests of the house of Sevajee, but those of all the princes and chiefs of India with whom similar treaties have been made.

In assuming the right to withhold permission from adopted heirs to succession to principalities and real property (exempt from taxation), they have, as all Indian history will demonstrate, usurped an authority which the most arbitrary and powerful among the native governments have never dared to exercise.

It is because I believe that the promulgation and enforcement of this doctrine will be, sooner or later, fatal to the existence of our empire in India, that I presume to tender to the Proprietors generally the counsel already offered in the Court in Leadenhall Street.

I especially address myself to those whose votes will on Tuesday next sanction or repudiate the act of the executive body. No doctrine, more than the one referred to, is calculated to spread alarm, dismay, and disaffection among all ranks of the population in India. It strikes at the root of the most ancient, cherished, and universal custom of the people—a custom not only upheld for secular purposes, but prescribed and enjoined by the Hindoo religion itself. In regard to our political designs in India, there may be among the people great indifference and apathy, and whatever the character of those designs, we may be competent to realize them by the aid of our large Indian army; but such a course as that now for the first time entered upon will have a direct tendency to sap the foundation of that attachment which the native soldiers have hitherto evinced towards the British Government, and we may find, when it is too late, that those on whom we have been accustomed to rely have made common cause with their disinherited countrymen.

The student in the history of Indian events during the last fifty years will not require illustrations of the critical tendency of any act of encroachment upon the prejudices or customs of men, who, while ready fearlessly to risk their lives in our service, are proverbially tenacious of their domestic, national, and religious rights.

It is with great satisfaction that I have witnessed the noble stand made by the most eminent men, both in the direction and amongst the body of Proprietors, against the unwise and dangerous proceeding adopted by a part of the executive. No debate for many years has called forth a greater display of talent than the one which has just ended; and it will, I am convinced, be admitted by all who have had the opportunity of listening to it, that the argument against the course which has been taken has been conclusive and overwhelming. Amongst those who have recorded protests or delivered speeches condemnatory of the policy of annexation, are to be found the venerable Mr. Tucker, the Right Hon. Holt Mackenzie, Major Oliphant, Mr. Shepherd, Mr. John Sullivan, the Hon. Leslie Melville,

Major-General Caulfield, Colonel Sykes, Sir Robert Campbell, Sir Henry Willock, Major Moore, Serjeant Bain, and Mr. John Morris; and had a vote been taken in Court, either on Wednesday or to-day, I believe the decision would have been in favour of the motion for reconsideration. To escape from present defeat, the supporters of the annexation of the Sattara principality have appealed to the general body of the Proprietors; and strenuous efforts will doubtless be made to obtain proxies and secure a majority at the close of the poll. I earnestly hope, however, that those to whom the appeal will be made will be influenced by considerations more important than a desire to oblige their friends. That they will reflect upon the justice and policy of the question before them, and bear in mind, also, that the resources of thousands, either connected with the services of the East India Company, or dependent upon the revenues of India for all they possess or hope to enjoy, may be seriously affected, as they will without doubt be placed in imminent peril, if a decision so repugnant to the feelings and views of the people of India is not reconsidered.

I am, Sir, your obedient servant,

JOHN BRIGGS,

East India Proprietor."

15. I beg to subjoin the views of Mr. J. Sullivan regarding the iniquity of the annexation of my sovereignty as extracted from the London *Times*, May 1, 1849.

(*Extract No.* 72.)

ANNEXATION OF THE SATTARA TERRITORY.

To the Proprietors of East India Stock.

Brother Proprietors,

On the 25th instant the following motion was submitted to a Special General Court of Proprietors:—

"That this Court is of opinion that the treaty concluded by the British Government in 1819, with Pertaub Singh, the Raja of Sattara, and subsequently renewed with his brother and successor, the late Appa Sahib, conferred upon, and guaranteed to those Princes, the hereditary sovereignty of the principality of Sattara, and this Court being further of opinion that the heirs and successors of those Princes, whether by adoption or blood, are entitled to the inheritance under the terms and condition of the treaty, this Court considers it to be right and necessary to record its opinion, that no case has been made out to justify the annexation of the said Sattara Principality to the British Territory."

The motion was discussed for two days in an unusually well attended Court. Of sixteen members who took part in the debate, twelve strongly supported the motion. Of these supporters, five were your Directors. Instead of allowing the question to be decided by the voters present, who were instructed in its merits, upon the motion of one of your Directors, supported by some of his colleagues, it was resolved that it should be determined by ballot. The question hinges upon the meaning of certain terms used in a treaty. The authorities under whose auspices the treaty was made, the Commissioners by whom the treaty was actually made, and who explained its terms and conditions to the other contracting

party, before the treaty was signed, are now living within the limits of the United Kingdom. Instead of referring to these gentlemen, as they have been strongly and repeatedly urged to do, to ascertain in what sense they used the disputed terms in the treaty—the majority of the Court of Directors have resolved to refer this question to you, one-half of whom have probably never heard of such a treaty, and nine-tenths of whom have, probably, never read it. Neither can you have been interested on the subject by the reports of the debate which are given in the newspapers, for while the speeches of those few who opposed the motion are given *in extenso*, the speeches of the many who supported it, are either suppressed altogether, or given so scantily as to be of no use to uninformed readers.

It is necessary, therefore, to explain to you that the question upon which you are called upon to vote is really this, viz. :—

'Whether a majority of the Court of Directors can, in good faith, seize upon this principality of Sattara solely *upon their own construction of the treaty* by which it was ceded by the East India Company to the Raja of Sattara, his heirs and successors, in perpetual sovereignty, whilst they refuse to hear the appeals of the representatives of the other contracting parties, who claim to be heirs under that treaty, and also reject the only evidence that would enable them to arrive at the true construction of the disputed terms?' And as this seizure of the principality of Sattara is avowedly to be made a precedent for the disposal of other independent sovereignties in India, in that question is involved another, still more important, viz :—'Whether the East India Company is at liberty to seize upon and to appropriate the territory of any Native Prince in India, whom they, the East India Company, may, by a construction put by themselves and for their own benefit, upon their treaties with such Prince, determine to have died without heirs.'

You will not, I am sure, be offended with me for thus pointing out to you the vastly important interests which are involved in the vote you are now called upon to give, although, from the breathless haste of the requisition, it is doubtful whether this warning will reach you before your vote is deposited in the ballot-box.

Whether this whole proceeding is calculated to raise the character of the East India Company in the eyes of the British public, or to command the respect and attachment of the Princes and people of India, are questions which I leave to your calm judgment to determine.

I am, Brother Proprietors, yours,

J. SULLIVAN.

Banstead, 28th April, 1849.

16. That the opinion of the majority of the Court of Directors against the annexation of Sattara was secured by unfair means will be seen from the following protest published in the London *Times* in its issue of April 30, 1849, by the Directors, Messrs. John Sullivan, John Briggs, Joseph Hume, J. W. Graham, John Williams, Arthur Lewis, Charles Forbes, Charles Grant, James and Steward Forbes, to the effect that at a special meeting of the Proprietors twice convened to consider the question of continuing the sovereignty of Sattara to the Maharaja it

was unnecessarily adjourned, and it was resolved to take a ballot at a time when many of the Proprietors were absent from London and could not give their votes at an unusally short notice of three days.

(*Extract No.* 73.)

To the Proprietors of East India Stock.

Ladies and Gentlemen,

A Special Court of Proprietors, convened at the instance of nine Proprietors of your body, was held at the India House, on Wednesday, the 25th instant, and, on the motion of the chairman of the Directors, unnecessarily adjourned to Friday, the 27th.

On both those days the resolution was supported at great length, and in a full Court, by the following Proprietors:—

Mr. John Sullivan, the mover.
General Briggs, the seconder.
Sergeant Bain.
Major Moore.
Right Honourable Holt Mackenzie.
Mr. John Morris.
Sir Henry Willoch.
Sir Robert Campbell.
Lieutenant Colonel Sykes.
Mr. John Shepherd.
Major Oliphant.

It was opposed by—
Sir A. Galloway.
Sir James Lushington.
Mr. Weeding.
Mr. Thoby Prinsep.
Mr. Charles Mills.

When the Court was about to divide upon the question on Friday, the division was arrested, and the ballot called for by Mr. Charles Mills, which is fixed to take place at the unusual early notice of three days, on Tuesday next, the 1st of May, when it will be impossible for Proprietors absent from London to give their votes.

We content ourselves with placing this proceeding before you, in the belief that you only require to be apprised of it in order to attend in person if possible at the ballot, and take the part which your sense of honour, justice, and duty shall point out.

We are, Ladies and Gentlemen,

Your very obedient Servants,

John Sullivan.
John Briggs.
Joseph Hume.
J. W. Graham.
John Williams.
Arthur J. Lewis.
Charles Forbes.
Charles Grant.
James Stewart Forbes.

London, April 28, 1849.

17. The *Daily News* of London in its issue of May 2, 1849, has the following leader on the unfairness and selfishness shown in the annexation of Sattara.

(*Extract No.* 74.)

There has been a ballot at the India House—a ballot not about a personal question, not about an election to a vacancy in the Direction, not even about a piece of jobbery—a ballot, too, not demanded by the Proprietors of India Stock in defence of their 10 per cent.; not called for by that earnest and sincere friend of India, Sir Charles Forbes; not insisted on by that naughty, pertinacious fellow, Mr. George Thompson; but a ballot on a question of principle, on a subject of surpassing interest to every Hindoo Prince and native ally in India—a ballot required by Sir Archibald Galloway, Chairman of the Court, and by certain of the Court of Directors, to protect themselves from a numerical defeat; to interpose the ignorance of the absent Proprietors against the knowledge of those present at Wednesday and Friday's debates; to save the Government of India from the censure and condemnation which then threatened it. And this appeal from knowledge to ignorance has succeeded to the wish of those who had recourse to it.

The determination of Mr. Holt Mackenzie, Mr. Sullivan, and the able participators in their opinions to arrest, if possible, the determination of the Indian Government to overthrow a great rule of Hindoo succession, and a great principle of Hindoo religion, for the purpose of absorbing territory and gaining revenue, has raised a question in which every man of property in India, whether of the Hindoo or Mahommedan faith, is deeply concerned. The subject has, however, come so suddenly on the public, that the press was quite unprepared to report the debates at the India House. The discussion was thought to be only an obstinate repetition of the old Sattara question, on which we are bored to death. And the consequence is, that though the debate on one side was conducted with ability unrivalled in the arena of the Court of Proprietors, and by men of the highest authority on all Indian matters; though it exhibited a deep schism in the Court of Directors, and left the majority of that Court in a numerical minority in the more popular assembly, neither we nor any of our contemporaries have given the faintest notion of what was occurring in Leadenhall Street on Wednesday and Friday last. The debate will, however, be published separately; and thus a record of the transaction will be preserved for the instruction of our posterity, even if the lesson should be lost on ourselves.

The subject of the debate, and the object of the ballot, arise out of the Sattara case about which so much has been written and spoken, but of which so little is known or understood. They do not, however, in the least involve the merits or demerits of the late Raja Pertaub Singh, the justice or injustice of his deposition, the character or want of character of his successor Appa Sahib, or the policy or impolicy of our former treatment of these last descendants of Sevajee. They flow, indeed, from those transactions, but they relate to a point even more important than any before raised. And it is quite possible for a man who viewed favourably the conduct of the Indian Government in deposing Pertaub Singh, to regard with indignation and disgust the policy it is now pursuing in seizing on the Sattara state.

Both Pertaub Singh, the deposed Raja of Sattara, and Appa Sahib, the substituted Raja, are now deceased. One brother died in exile at Benares, where his family languish

in poverty; the other in his palace in the capital of his dominions. Both departed childless; but both followed the custom of their race and the dictates of their religion—for each adopted an heir to light his funeral pile, and to succeed to his inheritance. Was it then a contest between these rival heirs on which the Court of Proprietors was called to give an opinion by ballot? Nothing of the sort. The Government of India has equally disregarded the rights of either, and has consigned both to obscurity by proclaiming itself heir to the Sattara dynasty. And the question for decision was its power and the policy of doing this.

By the Hon. Mountstuart Elphinstone's treaty, which reconstituted the Sattara state, after the downfall of the Peishwa and surrender of Pertaub Singh, to the British troops during the battle of Ashtee, that state was made over to Pertaub Singh, his heirs and successors from generation to generation. The words of the treaty did not confine the succession to his lineal heirs; they left the succession open to the rules of Hindoo law; they reserved to the British Government no right or authority to override or set them aside. Now one of the most sacred of those rules is the power of adoption in the absence of lineal heirs. It is a power as well recognised amongst Hindoos, be they princes or ryots, as the right of the eldest son in England to succeed to the fee simple of his intestate father. It is a power dictated by the Hindoo religion as well as authorised by Hindoo law; for unless a deceased Hindoo leave an heir lineal or adopted, to fire his funeral pile, his religion assigns to him additional punishment and purification in the other world. So indispensable, indeed, is its exercise in a religious point of view, that, though the British Resident at Sattara had always objected to Appa Sahib adopting an heir, the religious scruples of that Prince compelled him on his death-bed to disregard those objections, and to send for a child distantly connected with his family, and from poverty he presented the infant to his courtiers as his heir; and by the lad his funeral obsequies were performed. Up to the period of that Prince's decease, this power of adoption by Hindoo Rajas had been undisputed by the British Government; and their adopted heirs succeeded to the musnud as quietly and orderly as their lineal or collateral descendants.

It is now, for the first time since we acquired an empire in India, disregarded and set aside. In spite of Lord Cornwallis's law, which binds us to the consequences of Hindoo rules and of the Hindoo faith, Lord Dalhousie has advocated the disinheritance of both the adopted sons, and the Board of Control and a majority of the Court of Directors have confirmed his sentence of exclusion. In spite of Mr. Elphinstone's treaty, guaranteeing the Sattara state to the heirs and successors of Pertaub Singh, it has been annexed to our dominions. A principle of Hindoo law, most sacred, and of universal application, has thus been violated by the British, and against this violation it is that Mr. Holt Mackenzie, Mr. Sullivan, and their friends have appealed, though for the present in vain.

It was in vain Sir Archibald Galloway argued in his written oration that there was justification for the violation in the Treaty itself, that he descended to assert that the British Government was not bound by the Mahratta version of that Treaty; that he quibbled like an Old Bailey lawyer on the words "from generation to generation," as if that form of expression required lineal succession. Not all the special pleading in Westminster Hall can rail away the words "heirs and successors" in the Treaty; can get rid of the right of Hindoo adoption in the absence of lineal heirs; can conceal the intentions of the India Government to absorb and annex native state after native state as excuse affords an opportunity. All the weight of Indian practice and all the pressure of Indian authority were

opposed to his idle reasoning. The old servants of the Indian Government rushed to town from their rural retirements to protest against this violation of native rights; and Mr. Holt Mackenzie, in a speech of irresistible power, demolished all the flimsy pretences on which it has been abused.

The British author of the Treaty, Mr. Elphinstone, and its British ratifier, Captain Duff Grant, are still alive, to be appealed to as to its meaning. Yet, though the Court of Directors has been entreated to procure their opinion as to its meaning, they have not dared to ask it. For ten years have all these distressing questions relative to the Sattara state been pending; counsel and advice have the Court of Directors and the Board of Control sought from all quarters except from those most competent to advise and direct them. Reference has been made to every one but Mr. Elphinstone and Captain Duff Grant; and in this omission we have some clue to the sprit and intentions that have moved the Indian Government.

It is from this last step that we may learn the motive of the first. The extinction of Sattara as a state is but the completement of the deposition of Pertaub Singh. It is, however, a measure which may rouse the remaining native princes to a sense of the dangerous tenure by which they preserve the remnants of their power, and which may teach the people of India the unscrupulous faithlessness of the Britsh Government, when their existence impedes its designs. Lord Dalhousie has recorded in a formal minute the anxiety of the Indian Government to absorb their sovereignties and to annex their territories as time and opportunity may serve. And the extinction of Sattara as a state will show them the means by which this end is to be gained. The majority for the Directors on the ballot, gained by a muster of subservient voters and unscrupulous *finesse*, cannot finally settle so important a question. The Directors have not yet heard the last of it.

18. A "Looker on." thus writes to the same paper in its issue of May 1, 1849 respecting the above ballot affair.

(*Extract No.* 75.)

A BALLOT AT THE INDIA HOUSE.

To the Editor of the *Daily News*.

Sir,

A ballot was taken this day at the India House. You may not be incurious to know how this kind of thing is managed in Leadenhall Street, and what it there means. One side of an inner room is partitioned off by a bar, behind which are three tables; the centre one is occupied by two Directors, having each a balloting urn before him, the table on each side by two or three clerks, who write down the balloters name, and by one clerk who administers the usual declaration to him previous to his balloting.

A Proprietor coming to vote naturally goes up to the Directors' table, upon which are, or ought to be, deposited the ballot papers, having printed upon them the words 'for the motion,' or 'against the motion.' We were to-day standing close to the table in question when a Proprietor approached. Before he had time to utter a word he was thus apostrophised by the clerk, the worthy who administers the declaration, 'Are you come, sir, to support the Court?' (meaning, of course, the Court of Directors.) This was said not only authoritatively, but pointedly and offensively, in the very hearing of one of the Directors,

who is placed there ostensibly to see that the balloting is fairly and impartially conducted: it indicated, as plainly as words so delivered could, that, if the Proprietor did not come 'to support the Court,' his presence there was an intrusion. So much for the spirit of this ballot. To understand why certain Directors, headed by Mr. Charles Mills, called for it, your readers should know that, at an ordinary Court, each Proprietor of East India Stock has only one vote when the Court proceeds to a division upon any resolution before it; but at a ballot he is one gentleman or lady rolled into two, three, or four, as the case may be, and possesses as many votes as his or her stock enables him or her to hold. This is what the Directors call 'taking the sense of the Proprietors,' and this is the outrage upon common decency which, under the guise of a public charter to rule India, they have perpetrated on the present occasion.

A LOOKER ON.

May 1, 1849.

19. The following are the speeches of some Directors and Proprietors of the East India Stock, delivered by them at a Special General Court of that Company, convened on the 5th July 1848, at the instance of Mr. John Sullivan, and published in the *Evening Sun* of the next day 1848. This meeting was called to consider the motion "That the Hon'ble the East India Company having by a treaty concluded with Pratap Shean, the Raja of Sattara, on the 25 September 1819, ceded the territory of Sattara, in perpetual sovereignty to him, his heirs and successors, the East India Company cannot alienate the territory of Sattara from a rightful heir without a flagrant breach of that treaty and public faith."

a. Mr. John Sullivan.

(*Extract No.* 76.)

Mr. SULLIVAN rose to bring forward his motion, and in moving the resolution of which he had given notice, he stated that he trusted the friends of the Raja's cause would be able to adduce sufficient reasons for again obtruding the Sattara question upon the notice of the Court. When upon a recent occasion he inquired whether instructions had been sent to India relative to the disposal of the Sattara territory, the answer was that no such instruction had been sent, but that the Court were expecting information on the subject from the Supreme Government. Unwilling to act with precipitation, or in anticipation that the Supreme Government would deal with the question in any other way than what was just, they thought it advisable that the subject should drop until the expected information should have been laid before the proprietors. Upon inquiry, however, they found that the Governor-General had already pronounced a positive judgment upon the question, having formally refused to recognise the adopted son of the Raja. As it was manifest that that refusal could only have proceeded from one of two causes—either from a denial of the right of the Raja to adopt a son, or a claim of a right on the part of the Governor-General to inflict penalties on the son of the Raja so adopted, for the alleged crimes of his father—consistency and justice, therefore, seemed to require that they should not lose a moment in affirming positively the right of the late Raja to adopt, and of denying as positively the

right of the Governor-General to inflict penalties upon the son for the alleged crimes of the father. That was what he (Mr. Sullivan) would endeavour to do in a few brief sentences. Before doing so he would remind the Court that what they had then to deal with was not the old Sattara question—not a question relative to the guilt or innocence of the late Raja—not a question whether they should or should not redress injuries done to that ill-used man—but it was altogether a new question regarding the rights of the son, as secured to him by treaty; in other words, it was a question whether the British Government were to be bound by that treaty, or whether they were to be at liberty to violate it at their pleasure. He (Mr. Sullivan) was desirous of reminding the Court that, by the treaty of September, 1819, which ceded the territory of Sattara—not, as had been boldly stated by a paper which was read at the last Court, and which paper was known to speak the sentiments of the Raja's enemies—not as "a branch of the house of Sevajee," but "to the Raja Pertaub Shean;" but not only to the Raja Pertaub Shean, without reference to his heirs and successors, as had also been boldly stated by the same paper, but "to the Raja Pertaub Shean, his heirs and successors"—not to his heirs and successors in a limited sense, but in a sense the most comprehensive, which had been shown by statements from the Persian and the Mahratta copies of the treaty. Not only did the British Government cede the territory of Sattara to the Raja Pertaub Shean, his heirs and successors, but they ceded him that territory "in perpetual sovereignty." He (Mr. Sullivan) entreated the Court to weigh those expressions. What did they mean, or what could they mean? When the British Government introduced those words into the treaty they knew that the Raja had, as a Hindoo, an inalienable right to adopt a son, in failure of the heirs of his own body. Not only had he a "right" to adopt, but it would be his positive *duty* to exercise that right, in failure of the heirs of his body. Well, then, he (Mr. Sullivan) would appeal to the Court, and ask, introducing those words into the treaty with a full knowledge of the Raja's rights, what could those expressions mean but a solemn pledge from the Government themselves never to divert the territory of Sattara from the Raja Pertaub Shean, his heirs and successors. The first question that presented itself was, did the late Raja die with heirs? Heirs male of his own body avowedly he had none. No one had denied his right as an Hindoo to adopt, and nothing could bar the succession of the son so adopted to the Sattara territory, but a positive stipulation in their original treaty, making the succession of the adopted son contingent upon the right of the British Government. That treaty contained no such stipulations. If, then, it was proved that this adoption had been made in strict conformity with the Hindoo law, and with the usages of the Raja's caste, the adopted son would stand in the plenitude of his father's rights, personal, and political, and trench upon them the British Government could not without an infraction of the most solemn obligations. Instances had been adduced of the Guicowar, and other sovereign princes of India, having disallowed the succession of adopted sons; and inferences had been attempted to be drawn from those examples to show that no adoption could be made by the Raja of Sattara without the previous assent of the British Government; but all those examples were quite beside the present question. The Guicowar, and the other Princes, whose cases had been quoted, then dealt with their own subjects and dependents, according to the established law of the country, just as the Raja of Sattara dealt with his subjects and dependents, allowing the succession of some adopted sons, denying the succession of others, and, upon all occasions, dictating the terms upon which that adoption was to be allowed. But the Raja of Sattara was not a "subject" of the British Government, nor a dependent upon it in any sense of the word. He (Mr. Sullivan) would assert, upon irrefutable authority, that he was not even a dependant "prince" of the British Government. True it was that he agreed

to hold his dominions, not in subordination to the British Government, but in "subordinate co-operation" with the British Government, and the meaning of those terms was clearly explained in the treaty, which defined what he was and was not allowed to do. But in agreeing to that restriction upon his powers as a sovereign prince, he did not abandon for a moment one iota or his character as a sovereign prince; for, upon all occasions, and under all circumstances, he retained his character as a sovereign prince. He never placed himself in the same situation towards the British Government which his own dependents stood towards himself. The preamble of the treaty stated that it was concluded by virtue of powers delegated to agents of the respective Governments, showing, beyond dispute, that, in point of character, the Raja treated with the British Government upon a footing of perfect equality, just as the King of Saxony or the King of Wirtemburg treated with Napoleon, upon a footing of perfect equality; for there was the same relative difference in the powers of these petty German Princes and the power of Napoleon, as there existed between the power of the Raja and that of the British Government. By the first article of the treaty, the British Government ceded the territory of Sattara to the Raja in perpetual sovereignty. The first proclamation issued by Mr. Elphinstone, in February, 1819, stated "the Raja of Sattara, who is now a prisoner in Bajee Rao's hands, will be released and placed at the head of an independent sovereignty." Lord Hastings, in his letter to Mr. Elphinstone expressed himself as follows:—"The Governor-General has already signified to you his entire assent to the force of those considerations which induced you to extend the original objects of the establisment of the Raja of Sattara in an independent sovereignty." There was, therefore, a distinct recognition, both by Mr. Elphinstone and Lord Hastings of the Raja as an independent sovereign. Upon all occasions, under all circumstances, and in all documents, the British Government had treated with him in that character; that, therefore, was the bond against the Government, and that was the obligation they were bound to fulfil; more than that treaty required not, and less than that they could not refuse to concede without a gross imputation on their good faith. Were there any persons present who would again take up the note which had been formerly sounded, that the blood of the late Raja was tainted, that the alleged crime of the father vitiated the claims of the son? If so, then he (Mr. Sullivan) demanded upon what authority that statment was made. Was that authority found in the treaty? The fifth article of that treaty made it penal for the Raja to hold correspondence with foreign states, put it expressly limited the penalty to the Raja himself who had so offended. That article ran thus:—"The Raja for himself, and for his heirs and successors, engages to forbear from all intercourse with foreign Powers, and with all sirdars, jagheerdars, chiefs, and ministers, and all persons, of whatever description, who are not by the above articles rendered subject to His Highness's authority; with all the above persons His Highness for himself, and for his heirs and successors, engages to have no connexion or correspondence with foreign Powers; any affairs that may arise with them relating to His Highness are to be exclusively conducted by the British Government. If (for the purpose of forming matrimonial connexions for His Highness's family, or for any similar purpose) His Highness has occasion to communicate with persons not rendered subject to his authority by this agreement, such communication is to be made entirely through the Political Agent. This article is a fundamental condition of the present agreement, and any departure from it on the Raja's part shall subject him to the loss of all the advantages he may gain by the said agreement." The attempts, therefore, that were made to invalidate the adoption of the Raja, by reference to the case of the Guicowar and other sovereign princes of India with their jagheerdars, had no bearing whatever upon the question. It had been attempted to be said that because the

Raja agreed to the curtailment of his sovereign power as a prince, under certain circumstances, that, therefore, he forfeited his right to be treated as a sovereign prince. With great truth had the Hon. ex-Chairman stated, in his minute, "that, admitting the Raja was guilty of an infraction of the treaty, it did not follow that it was such as to cause his blood to be attainted. If the Raja should have no legitimate issue it was competent to him to adopt, and his heir might be perfectly innocent, and be justly entitled to the inheritance under the treaty." But, it might also be said, that the Raja was a creature of the bounty of the English Government, which, as it had raised him from a prison to a throne, was at liberty to put him down whenever it pleased; that he held his dominions during his own good behaviour, or during the good pleasure of the Government. That was an error, as had already been shown by a citation from Mr. Princep's History of Lord Hastings' Administration, in which the Raja was avowedly alluded to as an independent sovereign in the treaty which regulated the political affairs of that day. In confirmation of that citation, he (Mr. Sullivan) would read two extracts, one from a letter of Sir Thomas Munro, and the other from a letter of Mr. Elphinstone, which would put that matter beyond all question. On the 9th of March, 1818, Sir Thomas Munro thus wrote to Mr. Elphinstone:—"I am anxious to hear that the ceremony of placing the Raja of Sattara on the musnud has been performed, because it would probably hasten the termination of the hostilities and the settlement of the country. The limits of his principality might be defined for the present. He should be required to summon Bajee Rao, and his principal chiefs, to his presence, and, in case of their not obeying, to proclaim Bajee Rao, and, all who adhere to him, rebels; though the natives would understand perfectly well the relation between the Raja and British Government, and the motives which dictated this proclamation, this would not prevent it from having the desired effect. The chiefs who have left Bajee Rao, as well as some of those who still follow him, have, in their communications with us, always brought forward the disgrace they would sustain from the charge of rebellion and ingratitude, were they to abandon them, and have often called upon us to point out how their character might be saved from such a reproach. The orders of the Raja of Sattara will, I have no doubt, be received both by the chiefs who have already deserted Bajee Rao, and by those who wish to leave him, as a full justification of their conduct; and those orders will also, I think, have a considerable effect in intimidating even those few chiefs who are really attached to Bajee Rao, and in inducing them to forsake his standard, and it might likewise be advisable to send them to the Killedars of all forts, commanding them to surrender." Mr. Elphinstone, in addressing Lord Hastings upon the 18th of June, 1818, wrote as follows:—"Your Excellency's instructions left me the choice of giving him (the Raja) a jagheer or a small sovereignty, and I was inclined to adopt the latter plan for various reasons at the time when I had to decide. The Mahrattas showed no disposition whatever to quit the Peishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence, and still more that the entire loss of their means of subsistence, from the want of a Government likely to employ them, would induce them to adhere to Bajee Rao with an obstinacy that could never have been produced by affection for his person or interest in his cause. It therefore seemed expedient to remove those grounds of alarm by the establishment of a separate Government. Your Excellence will have observed, from General Munro's letter, the opinion of that experienced officer, that a state like that of Mysore should be formed for the Raja; and although I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro, on the importance of leaving for part of the Peishwa's subjects a Government which could afford them service in their own way."

Was it not then evident that both those eminent persons saw in the Raja a most important political card, upon the skilful playing of which depended the success of the political arrangements which were then forming? The restoration of the Raja was in fact the pivot upon which all those arrangements turned. It was, confessedly, through the medium of the Raja's restoration that they hoped to arrest the war then raging, to conciliate the Mahratta people, and reconcile them to the change then about to take place in their condition. With as much justice might the Allied Powers of 1815 have called Louis the Eighteenth the creature of their power, and have claimed the right, as they put him up, also to put him down, as the British Government might with justice put the Raja down. They might have done it upon the same principle, and even with more reason, for the restoration of the French monarch was as distasteful to the French people as the restoration of the Raja of Sattara was grateful to the whole Mahratta people. In fact that was the very reason which induced the Government to place him on the throne. These, then, were in brief the reasons which had induced him (Mr. Sullivan) to submit the resolution, which had been read, affirming the fact, that the alienation of the Sattara territory would be a violation of the treaty of 1819.—(Mr. Sullivan concluded a most able speech amidst considerable applause.)

b. Mr. Joseph Hume, M. P.

(Extract No. 77.)

Mr. HUME, M.P., in seconding the resolution, stated that he might have waited to have heard the arguments which would be brought forward against the reasonings of his Honourable Friend Mr. Sullivan, but the Court were placed in an awkward position. They were there, as the East India Company, judges in their own cause; they were, unfortunately, placed in a condition in which there were two parties to a treaty, one claiming to have justice done them, and the other taking upon themselves to decide the question. Such was the unfortunate circumstance of all persons entering into engagements with the India Company, that there was no umpire, no independent authority to arbitrate. If there were any independent authority to whom an appeal could be made, he would be willing to leave the Raja to maintain his rights under the treaty, and the India Company to maintain theirs; then, indeed, there would be a semblance of justice in whatever might take place. He (Mr. Hume) was aware that the India Board ought to be that tribunal; but they had been parties throughout the whole transaction, and had participated in those acts, unjust as he alleged, which had been perpetrated against the Raja of Sattara. They had become parties, and could not therefore be fair judges. If there was any tribunal to which to appeal, he (Mr. Hume) would be content to submit the case to it, whether that tribunal was the Queen in Council, or any other tribunal, if it could be referred to them. He (Mr. Hume) could not but approve entirely the sentiments expressed on a former occasion in that Court by Mr. Tucker, in the protest which had been entered by him, which protest was based upon the soundest policy and supported by principles of the strictest justice, which ought to have been carried out honestly and liberally. He (Mr. Hume) was fearful that the East India Company was led astray in the matter by a desire to support their own servants. The fact was, their servants had come to a hasty conclusion, and the authorities in this country, without due and proper information as to the facts, had confirmed that decision, and given their sanction and approval to those acts, and had subsequently been deterred from doing justice by a fear of undoing that which they had hastily done. That was the position in which the case of the Raja of Sattara stood at that moment. The East India Company were all powerful, and he (Mr. Hume) would, therefore, appeal to them to

be just; having all authority within their own power, they ought to use that authority mercifully, and not act in an arbitrary manner, for arbitrary it must be if they decided upon their own case. If there was any doubt of what the animus was at the time of the formation of the treaty, the Honourable Gentleman who sat near him had produced a letter, on a former occasion, which any man who perused it carefully must be satisfied with. It was an extract from Colonel Munro's letter to Lord Hastings, showing what the intention was then. The Company were then using the Raja, to use a common phrase, as a trump card in the game they were then playing. They were anxious to detach the Mahrattas then in arms, at a time when the Company could not tell what they might be able to effect, and to attach them to some individual under the semblance of the old Mahratta Government. No man within that bar, if he would honestly and carefully examine the articles of the treaty of 1819, and the correspondence which took place at the time, could fail to perceive the animus which governed the whole proceedings, or could have any doubt whatever that the thing intended was *bonâ fide* and honestly on the part of Lord Hastings, to give to the Raja a government which should continue for ever. My friend may say that all treaties are to be lasting, but they know how very often they were interrupted and broken, but they were only to be interrupted by courses which were patent to the whole world, and which could bear explanation, and upon good and sufficient grounds to account for the changes. Had anything of that kind taken place with reference to Sattara? Certainly not. The Raja was removed, as he (Mr. Hume) and many others within the bar had contended, most unfairly, and without due consideration. He (Mr. Hume) would not hesitate for one moment to submit to any men within the bar, whether, if they had had all the information respecting the case before them at the time that they decided which they now had, whether any one of them would have concurred in so iniquitous a proceeding as that which had taken place? The proprietors had been told from the other side of the bar that one decision upon the case was enough, however just the claims of the case might be; but he (Mr. Hume) denied the assertion. Both the principals in the family of Sevajee were then no more; and the question then was, whether the agreement entered into with their successors was to take effect? Would the Company or not follow out the article which stated that the dominions should be ceded to the Raja and his heirs in perpetuity? If they would do that, then they would act honestly; but if they refused to do so they would violate the most sacred principles of justice, and because they had the power assumed to themselves the right of doing a wrongful act. He (Mr. Hume) appealed to the former proceedings which had taken place. He could not express his own views better than he had done then. To use a common phrase, he thought the case lay in a nut-shell. Whatever the sum was, whether it was 100,000*l.* or 200,000*l.* a year, which was the value of the territory, he (Mr. Hume) maintained that they would be acting unjustly if by deciding in their own case they appropriated that money to themselves. He (Mr. Hume) therefore asked them to act justly, and demanded of them, being judges in their own cause, to adjudicate liberally; and, as they had the power and right to be merciful, to consider what effect a contrary decision would have upon their character and interests in India.—(Cheers.)

c. Mr. Arthur Lewis.

(*Extract No.* 78.)

Mr. Lewis—When they considered the nature of the case, that it put an end to all the misfortune which had taken place—when they considered the treaty, and with whom it had taken place, it was high time, in his (Mr. Lewis's) judgment, having regard to the honour of an integral part of the British empire, that the directors should come forward and put the proprietors into possession of their view of the case. What was the duty of the Executive of that Court when the news of the death of the late Raja, Appa Sahib, reached this country? Was it not—especially when various statements had been made by papers known to be in the employ of the Government—intimating that a resumption of the territories of Sattara was about to take place, and recommending such a measure—was it not the duty of the British Government to have come forward immediately, and to have undeceived the people of India and of England upon that subject? By the Government not taking that course, by their hanging back, and postponing the question, and remaining altogether silent upon it, what was the inference that would be drawn from their conduct? He (Mr. Lewis) should not have been addressing the Court at that moment if any statement had been made by the directors upon the subject. Was there any doubt upon the construction of the treaty? He would venture to affirm that the meaning of the treaty entered into between the two powers was clear and definite, and that there could be no doubt whatever, or any objection at which human ingenuity could by possibility cavil, or any pretext upon which human rapacity could justify itself in wresting from a sovereign his territories. The East India Company had made themselves judges in their own case, and there was no help for their opponents but to submit to their decision. No doubt the interests of the Company were involved in the case, but he (Mr. Lewis) cared not for that; he should still venture to submit it to their decision if they would come to the question with unbiassed and impartial minds. The first proposition in the treaty was an assertion that it was a treaty of perpetual friendship and alliance between the British Government and the Raja, his heirs and successors. The next proposition affirmed that it was the intention of the British Government to invest the Raja with sovereign power and dignity. The third Article affirmed that the Raja, his heirs and successors, should have the perpetual sovereignty of the various jagheerdars which were in the schedule annexed to the treaty. Every subsequent clause of the treaty entered into by the Government was with the Raja, his heirs and successors. Was it possible, therefore, for any person to have made use of more redundant expressions than were employed in that treaty? It would have been quite sufficient to have used the word "heirs" to have given all the rights which were claimed for his son; but not only was the word "heirs" used, but his "successors," clearly showing the interest intended to be given by the British Government, and that the Raja was to have as great advantage from the treaty as could possibly be conferred upon him by the one party or accepted by the other. What did the word heirs mean? Surely it had the same meaning in that treaty as if applied to an estate in this country. Supposing a person had an estate in fee simple, he would be very much surprised if he were to be told that if he left no son, his brother would not succeed, or that if he had no brother, his nephew would not succeed, or that if he had no nephew his nearest collateral heir would not succeed. If the British Government intended merely heirs in lineal descent, why had they not expressed it in treaty, according to every rule which applied to the construction of treaties? He (Mr. Lewis) would read an extract from Mr. Vattel's work on the "Law

of Nations," showing the rule which regulated the construction of treaties:—"Those cavillers who dispute the sense of a clear and determinate article are accustomed to seek their frivolous subterfuges in the pretended intentions and views which they attribute to its author. It would be very often dangerous to enter with them into the discussion of those supposed views that are not pointed out in the piece itself. The following rule is better calculated to foil such cavillers, and will at once cut short all chicanery. If he who could and ought to have explained himself clearly and fully has not done it, it is the worse for him; he cannot be allowed to introduce subsequent restrictions which he has not expressed. This is a maxim of the Roman law. The equity of this rule is glaringly obvious; and its necessity is not less evident. There will be no security in conventions, no stability in grants or concessions, if they may be rendered nugatory by subsequent limitations, which ought to have been originally specified in the deed, if they were in the contemplation of the contracting parties." Those words ought to receive the fairest, most liberal, and largest possible construction which could be placed upon them—such a construction as was placed upon the words of a similar instrument some years ago in the English course of law, where a question arose relating to the construction of a treaty. That was the case of "Barrett *v.* Williams" in which, upon one view of the case, the monopoly of the East India Company would be broken. In that case the Chief Justice Eyre stated that the privileges conferred by a treaty were to be held in good faith, and not to be put aside by the artifices of more refined politicians. Adopting the same rule in the construction of the present treaty, it was quite clear that there was no limitation or restriction whatever. The treaty was to him and his heirs; the subject-matter of the treaty was property lying in the Deccan; that property, so far as the Raja was concerned, was subject to the Hindoo law, the Raja as a contracting party was himself a Hindoo, and knew no law but that which conferred upon him the right of adoption, the most valuable privilege in the Hindoo code of laws. But there were, morever, specific words used which precluded all doubt upon the question of adoption. The word "successor" was introduced as well as "child" evidently contemplating the probability of some person succeeding who should not be the lineal descendant of the Raja. If the translation of the treaty was looked at in the Persian and in the Mahratta, it would be found that specific words were used, denoting the two classes of persons—the lineal heirs being expressed by one word, and heirs by adoption being expressed by another, so that there really could be no possible question upon the subject. Having said so much upon the construction of the treaty, he (Mr. Lewis) would then submit a few observations to prove to the Court that it ought to place the child adopted by Pertaub Shean on the throne. He would not for a moment suppose it possible that they would refuse to be bound by the treaty; there was something so atrocious in the idea. They could not proceed upon the ground which had been alleged, that the blood of Pertuab Shean was tainted. The boy to whom he alluded claimed both as the son of Pertuab Shean and the heir of Appa Sahib. The pedigree of the Sattara family had been given by Mr. Mountstuart Elphinstone, in the second volume of the Blue Books, where it stated that Sahoo the grandfather of Pertuab Shean, died in the year 1777; that he adopted in his lifetime a relative of the name of Sahoo. The father of Pertaub Shean, and the father of Balla Sahib, Senaputtee, was the next in succession; so that the child of Balla Sahib who had been adopted was the nearest blood relation both of Appa Sahib and Pertaub Shean. But the boy said to have been adopted by Appa Sahib on his death has stood in a very different position, being an extremely remote relative from generations back, and the act of adoption having also been wrongly performed, at a time when the Appa Sahib was

in *articulo mortis*. The boy Shahoo, therefore, was entitled to succeed to the musnud, because he belonged to the elder branch of the family; and, secondly, because the adoption which was so made was a complete adoption, which the other was not, the father of the boy said to have been adopted by Appa Sahib having been absent at the time, which rendered the whole act nugatory. He (Mr. Lewis) did not at all call upon the Court to stultify itself by affirming, contrary to its former decision, the innocence of Pertaub Shean, in so recognising his adopted son; but by so recognising him they would meet the ends of justice and gain the important collateral advantage of putting an end to the agitation upon the question. For those reasons he begged to support the motion of the Hon. Proprietor, Mr. Sullivan.

d. Mr. George Thompson, M. P.

(*Extract No.* 79.)

Mr. GEORGE THOMPSON, M. P., said that what had fallen from the lips of the several gentlemen who had opposed the motion before the Court fully proved the prudence and necessity of convening that meeting of proprietors. He must say, that he, and his friends who had signed the requisition, had not been fairly treated. Neither his Hon. Friend Mr. Sullivan, nor the Hon. Member for Montrose, nor his Learned Friend Mr. Lewis, had in the least degree re-opened the question of the guilt or innocence of the late deposed Raja, but had confined themselves exclusively to the question of the alienation of the territory, and the claims of the adopted son. The remarks, however, which had fallen from certain Honourable Proprietors would fully authorise the discussion of the whole subject. The Honourable and Gallant Deputy-Chairman had taken an entirely new view of the case, and had rested his defence of the treatment of the deceased Raja Pertaub Shean upon the appointment by that Prince of Syed Meer as his agent to prefer certain claims on his behalf before the home authorities. Was the Deputy-Chairman aware that Sir Robert Grant had virtually admitted the right of the Raja to depute that person? If it had entered into his (Mr. Thompson's) imagination to conceive it possible that that act of the Raja's would be cited as a breach of treaty—as a crime justifying the punishment of deposal—he would have come down with the proof that the Governor of Bombay at the time had himself admitted the Raja's right to send an agent here. What was the doctrine that would now go forth to the world, and be promulgated throughout India? It was this, that any prince with whom the East India Company had a treaty, and at whose Court they had a Resident, daring to appeal by an agent of his own from the injustice of the local authorities to the supreme authorities here, would be guilty of a crime justly punishable by deposal. Mr. Elphinstone, if in that Court, would laugh to scorn so monstrous a dogma. The treaty was designed simply to restrain the Raja from correspondence on political affairs with the native States of India. Under what circumstances was Syed Meer appointed? After the Raja had discovered that his papers had for twelve months been kept back from the Court of Directors, after the suppression of the dispatch of September, 1834, and after he had been treated with systematic neglect for several years in reference to a matter which he regarded as of vital importance, that of his sovereignty over the jagheerdar. It was quite true that the Raja had been referred to the terms of the treaty, but he ably and successfully argued the point with General Lodwick, and proved that it could be no breach of that treaty to send an agent to lay his claims before the authorities under this roof. Throughout the whole affair the Raja had acted with the utmost frankness, and never until now had his appointment of that agent been construed into a violation of his engagement. The Raja had again been declar-

ed guilty of the acts imputed to him, and that declaration had been made for the purpose of vitiating the claims of his adopted son. It should be known, however, that many gentlemen in the Court of Directors, and some in still higher places, now admitted, privately, though they would not do so openly and publicly, that they regarded the charges made against the Raja as the offspring of the malice and ingenuity of his enemies. But, admitting them to be true, was it not the fact, that the Raja was not deposed on account of what it was alleged he had done, or intended to do, but for contumacy—for refusing to agree to the terms proposed by Sir James Carnac?—(Hear.) He was offered the favour and protection of the British Government if he would admit his guilt; and for refusing to make that admission, he was deprived of his sovereignty. It was now the opinion of every person with whom he (Mr. Thompson) had conversed that the act of Sir James Carnac was unnecessary and severe—that no political reason existed at the time for the removal of the Raja—that his intentions, whatever they might have been, could not by any possibility result in danger to our power in India—and that, at all events, he had no opportunity given him of rebutting the secret accusations made against him. Under these circumstances, it was not too much to ask that the territory guaranteed by solemn treaty to the Raja and his family for ever, should be bestowed upon the individual whom the Raja had adopted. Proprietors might be told that the Raja's brother, Appa Sahib, had adopted a son, and that the child so adopted had a claim to the throne. The papers recently laid before Parliament would show that Appa Sahib had acted in direct opposition to the advice of the Resident, Mr. Frere, in this matter. That gentlemen had distinctly told the Raja on the 1st of April that he could not sanction any adoption, and the Bombay Government had approved his conduct. The adoption took place while the Resident was absent, and Dr. Murray, who was in attendance on His Highness, was a most reluctant witness of a ceremony which he had no power to prevent. On the return of Mr. Frere, that gentleman distinctly informed the widows of Appa Sahib, and all the chiefs assembled, that it was impossible for him to recognise the adoption that had taken place, or to pledge himself to the decision of the Government. It was the fact, also, that the boy adopted was sent for at the moment—that there was no discrimination exercised in the selection—and that the father of the child was not present to relinquish his claim upon his son. He (Mr. Thompson) hoped, therefore, that this adoption would not be regarded as opposing any difficulty in the way of recognising the adoption made by the deposed Raja in 1845. Every circumstance connected with the case pointed to the boy at Benares as the person entitled to succeed to the vacant gadee. He was nearest of blood—he was the child of a man of whom every European functionary, who had ever been at Sattara, spoke in terms of commendation, upon whom the breath of suspicion had never lighted—whose constancy to his cousin, the deposed Raja, had brought about his own early death. If any child in India was, above all others, a fit successor to the throne of Sivajee, it was the child of the late Balla Sahib, Senaputtee. That child and his relations had been cherished by the late Raja. That child had been formally adopted in 1845, and the adoption duly notified to all parties concerned. The elevation of that child to the gadee would be the strictest observance of the treaty that could, under the circumstances, take place, and would, there could be no doubt, give satisfaction to all but a few, whose selfish designs might be frustrated by such a selection. He (Mr. Thompson) would not resort to any unworthy means to induce the Court of Directors to take the step he desired them to take, but he thought he might be permitted to remind them of the position of the question in this country. There were many, himself among the number, who fully believed the late Raja innocent, and who were, therefore, anxious to see justice done to his memory, and some compensation made to his surviving relatives. The elevation of his

adopted son would be most grateful to the feelings of all such. The Court of Directors might be assured that there was no disposition to turn what they might do into the triumph of a party.—(Hear.) The ends they sought were of a higher and purer nature. They wished to see those who had been long in exile restored to their native state. They desired to put an end to feuds and divisions which evil-minded and mischievous persons were already fomenting. They desired to end the discussions, often angry and painful, which had for eight years prevailed in that Court. They desired to see that done which would give joy to every inhabitant of the state of Sattara, save the very small number who might still foster bad and wicked feelings, and would also communicate pleasure and satisfaction to a large number of persons in this country. Had the Hon. and Gallant Chairman felt at liberty to hold out the prospect of the final settlement of the question, in accordance with the wishes which had been expressed, it would have been an indescribable relief to his (Mr. Thompson's) mind. In the discharge of a solemn duty to the memory of the late Raja, he had given notice of a motion in the House of Commons. Gladly, if it were possible with honour and good faith to do so, would he abandon that motion, for there was no living being less disposed than himself to turn public accuser, or to utter a word injurious to the character or interests of another. But if they were still to be told that the Raja was a guilty traitor, and therefore incompetent to nominate a successor to the rights he formerly enjoyed, it would be his duty, at whatever sacrifice of feeling and inclination, to bring before Parliament and the country the history of that Prince's downfal, and to lay bare the acts of those who had been the chief instruments of the ruin of a man whom he honestly believed had been excelled by no ruler in the purity of his intentions, and by no ally in his faithful regard to his engagements. He must say he had been greatly disappointed to find the Court of Directors unprepared to give any opinion on the subject of succession. As long ago as May last, they were aware that the gadee of Sattara was vacant, and it naturally occurred to his mind that the Court would immediately take into consideration the steps advisable to be pursued. The only thing, however, they had resolved to do was to wait for the views and opinions of the Government of India. He (Mr. Thompson) earnestly hoped and prayed that when those opinions came to hand they would be found to accord with what he and others conceived to be at once the justice and expediency of the case, and that there would be no future necessity of taxing the patience and outraging the sensibilities of members of that Court. He (Mr. Thompson) would think that he was doing but sorry service to the parties in India, in whose fate he felt so lively an interest, if he provoked any hostile feeling in the minds of any of the Hon. Directors, and especially in the minds of those who had it in their power by the counsel they gave and by the opinions they recorded to satisfy what he (Mr. Thompson) contended was a very reasonable wish on their part. Before he sat down, he did hope that the Hon. Deputy-Chairman would in some way or other qualify the assertion he had made, that the mission of Syed Meer to this country was a breach of treaty, and a sufficient justification for the conduct which was subsequently adopted towards the Raja. That was the only charge which the gallant gentleman had proved against the Raja, and he (Mr. Thompson) should be sorry if it went forth to India and to the world that princes and rulers of that country were committing a high misdemeanour and breach of their treaties with the British Government, if, under circumstances so peculiar as those under which Syed Meer was appointed, they should take the step of sending an agent to England for the purpose of bringing their claims before the Court of that Honourable Company. Let it be remembered that the Raja had become within a very few days previous to that occurrence cognizant of the fact that the statements which he prepared twelve months before had never reached this coutry, and were

still at Bombay; that the provocation he received upon that occasion was very strong, and that he told Colonel Lodwick at the interview, when he was called to say whether he had taken such a step or not frankly and openly, that he had done so. That was in the early part of the month of June, and he said that he would not send home until after the feast of the Dussera, which was some time afterwards. He (Mr. Thompson) could assure the Hon. and Gallant Deputy-Chairman that Sir Robert Grant distinctly admitted that the Raja might be justified in sending an agent to this country. When it was suggested to the Governor, by a member of his Council at Bombay, that Syed Meer should be detained and not permitted to come to this country, Sir Robert Grant gave his opinion that he did not think it was competent to him as Governor of that Presidency to prevent the Raja from sending out a mission to England, if he thought proper to do so. Why, that was a charge which had never before been put into the indictment against the Raja! The conduct of the Raja in that respect showed, more than anything else, that he never could have entered into any conspiracy against the Government. The sole idea which had for years absorbed his mind was the question of the jagheers, and yet it was alleged at that very time he was endeavouring to corrupt sepoys, whereas, Colonel Lodwick, himself, stated that he was then absorbed in preparing for the mission of Syed Meer to this country. The Honourable and Gallant Deputy-Chairman, therefore, had no right to impute the appointment of Syed Meer as a crime upon the Raja, which should be visited upon his heirs. He (Mr. Thompson) felt too unwell to go further into the discussion of the various matters connected with the question, but, without presuming to dictate, he hoped that it might appear, when they heard from his Lordship the Governor-General, and found that he had taken this question into his consideration—that it would appear by their subsequent course that the Directors were not indisposed, whatever might be their opinion of the guilt or innocence of the Raja, to adopt such a final settlement of the question as that which was placed before them. It was only those who were cognizant, as he (Mr. Thompson) had been, of the amount of suffering which the act of Sir James Carnac inflicted, who could fully enter into the motives and feelings which animated those honourable gentlemen who took up the question in that Court. Sad havoc had been made of the interests, and even of the lives, of some of the best people with whom the British Government had ever become acquainted in India. They might bring a long list of deceased persons, holding high appointments, some of whom were friends of Hon. Members of that Court, who had perished from 1834 to the present time. It was their own opinion that the Raja of Sattara's days had been shortened by his residence at Benares, however much the British Government may have been disposed, as was alleged, to consult his feelings and constitution. It was their opinion that his widow died in consequence of her exile to that place. Information had been received from Benares that divisions and dissensions were springing up amongst those whom the Raja had left behind, and that his nearest relations were falling out amongst themselves, in consequence of the present unhappy state of things, and the vile machinations of evil advisers who were seeking their own ends. The friends of the Raja's family were desirous that that unfortunate state of things should be remedied by the restoration of the territory to the Raja's heir, and the allowing his family to return to their native state and city. He (Mr. Thompson) did not see how there could be any final settlement of the question, or any amicable adjustment of existing differences, unless the boy Shahoo were placed upon the gadee. All political and moral considerations pointed to that course. If they set aside the nomination of his father, the Maharaja Sahoo would still be Raja of Sattara in the estimation of the Mahrattas, and the British Government would have

two Richards in the field instead of only one; whereas such was the feeling at Sattara that, without giving offence to any individual, the Government might readily set aside the adoption which it had never recognized of Balla Sahib, and secure the gratitude and liberality in a second degree of all parties in that state, by recognizing the adoption of the son of Pertaub Shean. He (Mr. Thompson) trusted there would be no indisposition on the part of the Court arising out of any past proceedings, or that any such consideration would be permitted to sway them in their decision. For himself and every gentleman about him he would say they sought no triumph in the case; they came to the Court desirous of avoiding whatever might provoke controversy, or drag them back into past debates; but they came before the Court as honest individuals, who, whatever might have been their errors in times past in the way of temper, had been pursuing what they considered a just and upright object in regard to his late Highness the Raja of Sattara.—(The Hon. Gentleman concluded an able speech amid great applause.)

20. As notified by nine Proprietors of the East India Stock, a meeting of the Court of Directors was held on the 5th July 1848, to consider the obligations of our treaty, and to discuss the right of the East India Company to alienate our sovereignty. The following gentlemen, who took a lively interest in our cause, expressed their opinions, as shown under:—

a. Notice issued by nine Proprietors:—

(*Extract No.* 80.)

East India-House, June 28, 1848.

The *Court of Directors of the East India Company* do hereby give notice, that a SPECIAL GENERAL COURT of the said Company will be held at their House, in Leadenhall-street, on Wednesday, the 5th of July next, at 11 o'clock in the forenoon, at the desire of nine Proprietors of East India Stock, as expressed in the following letter, viz:—

"London, June 23, 1848.

"To the Chairman and Directors of the East India Company.

"Honourable Sirs,

"We, the undersigned Proprietors of East India Stock, duly qualified by law, request that you will convene a Special General Court of Proprietors for the purpose of taking into consideration the annexed resolution.

(Signed.) "J. SULLIVAN. "J. W. GRAHAM.
"ARTHUR T. LEWIS. "GEO. THOMPSON.
"JOSEPH HUME. "CHARLES GRANT.
"CHARLES FORBES. "J. WILLIAMS.
"JOHN POYNDER.

"*Resolution.*—That the Honourable the East India Company having by a Treaty concluded with Pertaub Shean, the Raja of Sattara, on the 25th September, 1819, ceded the Territory of Sattara in perpetual sovereignty to him, his heirs, and successors, the East India Company cannot alienate the Territory of Sattara from the rightful heir (of the deceased Raja Pertaub Shean) without a flagrant breach of that Treaty and of public faith."

JAMES C. MELVILL, Secretary.

b. Mr. John Sullivan.

(*Extract No.* 81.)

Mr. SULLIVAN then rose, and said he hoped he should be able to give a sufficient reason for again intruding the subject upon the notice of the Court, but certain circumstances of recent occurrence had rendered such a course necessary. He would not anticipate that the Supreme government of India would act in any other way than what the pure principles of justice dictated, but he had been informed that they had pronounced their judgment on the claims of the adopted son of the late Rajah of Sattara, and refused to recognize them. By this proceeding they either denied the right of the late Rajah to adopt a son, or were resolved to punish the son for the crimes of the father. The object of the parties who had convened the present Court was to insist upon a recognition of the rights of the adopted son of the late Rajah. In doing so they were not reviving the old Sattara question. It had no reference whatever to the guilt or innocence of the Rajah, but was a new one altogether, and regarded only those rights of the son which had been reserved by treaty, or, in other words, the question was, whether the British Government were to be bound by the treaty into which they had entered, or whether they were to be allowed to violate the solemn engagements they had thereby contracted with the late Rajah. In the year 1819 the whole territory of Sattara was ceded by treaty to the Rajah of Partaub Sing, his heirs and successors (the latter words were used in their most comprehensive sense) in perpetual sovereignty, and at the time when the Supreme Government entered into that treaty, they knew perfectly well that the Rajah had a right to adopt a son if he pleased, in the event of his not having a direct heir. The treaty did not contain any stipulation that the Rajah should not be at liberty to adopt a son, and provided he did so in conformity with Hindoo laws, the son he so adopted would succeed to all the rights of his father personal and political. It was said that such adoption was not legal unless the consent of the British Government had been previously obtained.—(Hear.) All that was now asked was, that the treaty into which the British Government had entered with the last Rajah should be abided by. The Hon. Proprietor here read several extracts from the treaty, and said that if there had been any infraction of that treaty on the part of the late Rajah, it was not such as caused his blood to be attainted. It had been said that the East India Company's officers had raised him from a prison to a throne; but, admitting that to be the case, had they a right to dethrone him whenever they pleased. The placing him on a throne was a political movement of the highest import, and at the time, to the interest of the East India Company, and the same excuse which had been alleged for his dethronement might have been alleged by the Allied Powers who put Louis the 18th on the throne of France for putting him down again whenever they chose. He concluded by moving the resolution set forth in the requisition.

c. Mr. Joseph Hume.

(*Extract No.* 82.)

MR. HUME, M. P., said he was very anxious to hear any arguments that would be offered in opposition to those of the Hon. Proprietor who had brought forward the present motion; but he did not expect to do so, for it did unfortunately happen that in all such cases the East India Company were judges in their own causes. There was no umpire or independent authority to whom an appeal could be made against any decision which they might think proper to make. It was true that an appeal might be made to the Board of

Control, but that body had been a party to the injustice that had been done to the Rajah. He was willing to submit the whole question to any impartial tribunal, if any such could be found. He feared that the Directors had been led astray by a desire on their parts to protect their own servants, and that they were now afraid to undo that which they had too hastily done. As they were all powerful, he called upon them to be just. They had formerly made use of the late Rajah as a trump card, by which they were enabled to play their own game. A correspondence that took place showed that it was then the intention of the Government to cede the whole territory of Sattara to the Rajah and his heirs and successors for ever. The Hon. Proprietor concluded by seconding the resolution.

d. Mr. Lewis.

(*Extract No.* 83.)

Mr. Lewis said that the death of the late Rajah gave the authorities of India an opportunity of putting an end to the question which had so long been agitated, by at once acknowledging the rights of the adopted son, and, after the death of Appah Sahib, that was clearly the course which ought to have been adopted. The Hon. Proprietor read several extracts from the treaty, and addressed the Court at great length in support of the view he took of its construction. He then said that the right of adoption was one of the most valuable in the entire code of Hindoo law. By that law the right of succession to the throne was regulated, and it was so understood by both parties at the time the treaty was entered into, and that was the reason why the word successors was introduced; but the adopted son of the late Purtaub Sing claimed also as the nearest relative of Appah Sahib, his uncle, the late occupant of the throne of Sattara. The blood of Appah Sahib had not been tainted by anything done by Purtaub Sing. The boy had been adopted by all the form and ceremony which the Hindoos showed on such occasions, and he ought, therefore, to be acknowledged as heir to the throne of Sattara.

e. Mr. George Thompson.

(*Extract No.* 84.)

Mr. G. Thompson said he was astonished to hear the Deputy Chairman state that the sending of an agent was a breach of the treaty into which the Rajah had entered with the Government of India, and that he had thereby forfeited his throne. The Rajah waited four years for an answer to a dispatch that he had sent to the Government of Bombay before he resolved upon dispatching an agent to this country to obtain that redress which he found it impossible to obtain in India. Although he was bound to abstain from all correspondence with the native Princes of India, yet he was not prevented from presenting a memorial to the British Government or the Court of Directors. Sir Robert Grant admitted that the Rajah had just ground for complaint, and that, under the circumstances, he had a right to send an agent to this country, considering the provocation he had received. The punishment the late Rajah had received, and the sufferings he had undergone, ought to atone for any offences that had been committed by him, and ought not to extend to the child of his adoption. The most prudent course would be to acknowledge that son by way of final settlement of a question that had so long been agitated.

f. Major Oliphant.

(*Extract No.* 85.)

Major OLIPHANT (a director) denied that any opinion had been expressed by the Directors to the effect that their intention was to seize upon the territory of the late Rajah.

Mr. SULLIVAN replied.

The motion was then put and carried.

21. I extract below the views of Mr. Hume as expressed by him in his letter, published in the issue of the London *Times* of the 23rd November 1848:—

(*Extract No.* 86.)

TO THE EDITOR OF THE TIMES.

Sir,—As the "Statement respecting the Sattara Succession," which appeared in your paper of the 17th, is calculated, if not contradicted and exposed, to inflict great injury and injustice on the present Shahoo Raja, I trust you will allow me space in your columns to exhibit that question in what I consider a fair and proper light.

What your correspondent represents as the first of the two "principal points to be determined"—viz., "whether or not the Rajah has deceased without an heir"—seems all-sufficiently decided by observing that the present Shahoo Rajah is the first cousin's son of Purtuab Singh; and that the disquisitions into which your correspondent digresses, as to whether Appa Sahib died without an heir, may indeed serve to perplex the question, but have in reality nothing to do with it, the essence of the Sattara case lying in the fact that Purtaub Singh was wrongfully deposed: * * * * * * as the second of your correspondent's "principal points" virtually assumes the question at issue, viz., the suzerainety, or non-suzerainety of the British Government in Sattara, I shall pass at once to the further assertions of his statement, which may be condensed (and I hope fairly) as follows:—That "the Sattara territory must not be regarded as the ancestral inheritance of the Rajahs, but as a principality conferred gratuitously upon the family by the British Government;" that by "the British conquest of the Deccan," and subsequent treaty with Purtaub Singh in 1819, "the political character of the State became entirely changed; it was no longer an independent sovereignty, treating on an equality with the British, but a subordinate part of the British dominions—a fief, as it were, of the British empire in India;" that "it is the invariable and established practice of Western India, and, indeed, so far as it can be traced and defined, of all India, that an adoption, involving succession to a principality or any territorial estate, shall be invalid if made without the previous consent or subsequent recognition of the suzerain, or lord paramount;" and that, as no such previous consent or subsequent recognition of Purtaub Singh's adoption of Shahoo Rajah "has been accorded by the British Government, it seems manifestly open to the British Government to acknowledge or reject the adopted son of the late Rajah as the heir to the throne, according to the dictates of expediency and of sound policy for the interest of the empire at large."

* * * I am ready to join issue as to the above assertions, and to show that the Sattara State was the ancestral inheritance of the late Rajah; that the

late Rajah had no suzerain, or lord paramount; and that the adoption of the present Shahoo Rajah was valid without any confirmation from the British Government or other suzerain whatsoever.

And, in the first place, it cannot be disputed that the Sattara State originally descended to the late Rajah as his ancestral inheritance from the great Mahratta Seevajee Bhosla, and so continued down to 1817 at the very least. The Mahratta empire, like the empire of Alexander, or the first Mussulman caliphs, had, indeed, virtually fallen to pieces, several satraps or sirdars having virtually made themselves independent of the legitimate sovereign; still, titulary and nominally, the Rajah of Sattara was the supreme head of the Mahratta empire, and suzerain of Scindia, Holkar, the Rajahs of Berar and Nagpoor, the Guicowar of Guzerat, and other Mahratta powers; Scindia owing him fealty by his title of his valet and slipper-bearer, the Rajah of Nagpoor as his standard-bearer, a third as his nowkra or menial servant, and so on. Down to the outbreak, therefore, of the Deccan war in 1817, the Rajah of Sattara was indisputably an independent sovereign, owing no fealty to any superior or lord paramount. But your correspondent proceeds to argue, "at that period, and for some time previously, the Sattara Rajahs were merely pageant kings, without power or authority, the prisoners and the puppets of the nominal prime ministers of the empire, the Peishwas. With the Peishwas, as the real head of the State, the British for many years treated and allied and went to war; and when eventually the power of the Peishwa was conquered and overthrown, the whole of the hereditary territories of the Rajahs of Sattara passed into the hands of the British;" and that the rightful independent sovereign of Sattara thenceforward became the vassal and feudal inferior of the British Government, while "the relation of the Sattara state to the British Government became that of a subordinate to, or dependent on, the superior or paramount power." Now, instead of commenting on the *morâle* of this argument, let me illustrate it:—In 1841, and previously, the Sovereign of the Turkish empire, in respect of Syria, had become "a pageant Sultan," the puppet of the nominal vizier of the empire, the Pasha Mehemet Ali; and when after the bombardment of Beyrout and Acre, the power of the Pasha was conquered and overthrown, the whole of the hereditary territories of the Sultan in Syria passed into the hands of the British, and the Sultan thenceforth, in respect of Syria, ceased to be an independent sovereign, and became, in fact, the vassal and feudal inferior of the Court of St. James's—a parallel which at all events sufficiently illustrates the preposterousness of the original argument. I, therefore, maintain that the conquest of the Peishwa, an usurping Minister of the Rajah [now the Peishwa's letter, acknowledging in the humblest terms his "appointment to the situation of Peishwa," is still extant, *Parliamentary Papers*, p. 903], in no way abrogated or discontinued the rights of the Rajah as an independent Sovereign, holding the state of Sattara by virtue of "ancestral inheritance" from the Great Seevajee Bhosla; and I find it admitted by your correspondent that when the British colours (which had been hoisted by mistake on the surrendered fort of Sattara) were "next day hauled down," "the standard of Seevajee and his descendants was with due forms hoisted in its place"—to which I may append the words of Prinsep (*Transactions of India*, vol. 2, p. 178) as follows:—"Immediately upon the capture of Sattara the Mahratta flag was again hoisted on its walls, and a proclamation issued inviting the Mahrattas to rally round their rightful hereditary Sovereign."

In the second place, it may be shown that we never made war on the Raja of Sattara, but, on the contrary, made war against the Peishwa on behalf of the Rajah, then a young

man, and "a prisoner of the Peishwa's;" just as in 1841 we made war against the Pasha Mehemet Ali on behalf of the Sultan, then under deprivation of his rights in respect of Syria; and, consequently, that the fortune of war, by which the person of the Rajah fell into the hands of the British, or the right of conquest achieved over the Peishwa, gave the British Government no rights as against the Rajah, but merely vindicated and established his rights as against an usurping Minister. The words of the proclamation issued by Mr. Elphinstone on the 11th of February, 1818, which was the first regular declaration of war (*Parliamentary Papers* p. 1,153) ran as follows:—"The Rajah of Sattara, who is now a prisoner in Bajee Rao's hands, will be released and placed at the head of an independent sovereignty;" and Mr. Elphinstone's letter of the 18th of June, in the same year, may be referred to as clear proof that "the setting up the Rajah of Sattara" was then regarded as one of "the best means" to "conciliate the Mahrattas," and the main machinery employed by us to detach from the Peishwa the Jagheerdars of the Poonah State, and, by the possession in our camp of the recognized head and national standard of all the Mahratta tribes, to prevent the powerful States of Nagpoor, Scindia, Holkar, and Guicowar, then already in arms, from joining the Peishwa, and thus protracting a war which at that time threatened not only to become harassing and ruinously expensive, but perhaps even to prove doubtful in its result.

In confirmation of this we may quote the letter from Sir Thomas Munro to Mr. Elphinstone, of the 19th of March, 1818, observing—"I am anxious to hear that the ceremoney of placing the Rajah of Sattara on the Musnud has been performed, because it would probably hasten the termination of hostilities, and the settlement of the country." "He should be required to summon Bajee Rao and his other chiefs to his presence, and in case of their not obeying to proclaim Bajee Rao and all who adhere to him rebels, and those orders will, I think, have a considerable effect in intimidating even those chiefs who are really attached to Bajee Rao, and in inducing them to forsake his standard, and it might likewise be advisable to send them to the kelladares of all forts, commanding them to surrender." In fact, when it is remembered that Bajee Rao, isolated from all other Maharatta chiefs, and proclaimed a rebel by the head of his nation then in our camp, nevertheless for several months defied the whole power of the British Government—and that with three commanders-in-chief and 200,000 men in the field—and at the expiration of that time could still obtain "a personal allowance amounting to no less than 100,000*l.* a year for life" (*Prinsep's Transactions of India*, vol. 2, p. 278), some idea will be formed of the then importance to the British Government to be able to range themselves on the side of the independent Rajah of Sattara, the recognized head of all the Mahratta tribes, and of the total error into which your correspondent has fallen in stating that the Sattara territory was a principality gratuitously conferred on the Rajah's family by the British Government. On this point I refer confidently to the recollection and judgment of every British officer then in the field as to what he believes would have been the result of the affair if the influence of the Rajah's name could have been brought to bear against us, and if Bajee Rao, instead of being discountenanced and denounced as a rebel by the Rajah, had by him been encouraged, or only suffered, to gather to his standard the powerful Mahratta tribes then already in arms; indeed, I feel confident that there is no such officer who will take upon him to say, if such a general rising of the Mahrattas had openly been countenanced by the Rajah, that we should at this time have been holders of one single square mile of the whole Mahratta country.

De jure, therefore, I maintain that the Rajah of Sattara never ceased to be an independent Sovereign. I am not ignorant, however, that rights of sovereigns are little regarded either by Christians or heathens when they have might sufficient to disregard them; and consequently, when the *faineant* Rajah fell into our hands, and his territories into our power, and the dread of a general Mahratta war had passed over, I am well aware that the Rajah became *de facto* something different from what he was *de jure*; and that the British Government claimed a right to set up and establish a Rajah and a state, which had never ceased to exist, and to vindicate and continue which it had originally professed to levy and wage the war. At the same time I am prepared to show that it professed to establish, and established an independent sovereign, with whom it afterwards made treaties on equal terms, and whose natural, national, and religious right of adopting a son, in case of failure of issue, it by those treaties neither questioned nor abrogated.

The proclamation issued by Mr. Elphinstone on the 11th of February, 1818, as above mentioned, ran as follows:—"The Rajah of Sattara, who is now a prisoner in Bajee Rao's hands, will be released and placed at the head of an independent sovereignty of such an extent as may maintain the Rajah and his family in comfort and dignity;" and on the 26th of September, 1818, the Governor-General (*Parliamentary Papers*, p. 556) signifies to Mr. Elphinstone, "his entire assent to the force of those considerations which induce you to extend the original objects of the establishment of the Rajah of Sattara in an independent sovereignty, and the consequent enlargement of the territory to be conferred on that Prince." In respect of this point I cannot quite feel satisfied with what your correspondent describes as "the avowed objects for which the Sattara principality was originally constituted in 1819. These are described by Grant Duff to have been the comfort and dignity of the imprisoned Rajah of Sattara, the raising up a counterpoise to the remaining influence of the Brahmins, the conciliation of the Mahratta nation, and the opening for the employment of many persons, whom it would have been expensive to suit [sustain] and who could not obtain a livelihood under the English administration." Now, among this list of avowed objects there is a remarkable omission, viz., that of the nationality of the Mahratta, and the necessity for our then purposes and welfare of enlisting their national feelings on our side in the person of their political suzerain, and without attempting to apportion the *onus* of that omission between Grant Duff and your correspondent (a point which there has, indeed, been no time to investigate), I will simply refer to the original letter from Mr. Elphinstone to the Governor-General on the 18th of June, 1818.—(*Parliamentary Papers*, pp. 497, 498.) In the earlier part of this Mr. Elphinstone observes—"The name of the Mahratta country shows us that we have more to apprehend from it. The whole population are Mahrattas, and all have some attachment to their nation and feel some interest in its greatness;" to which he afterwards adds—"At the time when I had to decide, the Mahratta showed no disposition whatever to quit the Peishwa's standard; and it appeared not improbable that the dread of the complete extinction of their national independence, and still more that of the entire loss of their means of subsistence, from the want of Government likely to employ them, would induce them to adhere to Bajee Rao with an obstinacy that could never have been produced by affection for his person or interest in his cause. It therefore, seemed expedient to remove their grounds of alarm by the establishment of a separate Government," or, as he otherwise terms it in the same letter, "the setting up the Rajah of Sattara." In fact I am justified by the whole tenour of the then letters and despatches in asserting that it was not then in the contemplation of the British

Government to establish merely a dependent and temporary sovereignty, although the immense increase and consolidation of our power in India during the last 30 years has now rendered the latter notion familiar. The only arrangements which were intended to be temporary were, the cautious watching of the new state, and the tutelage under which the released Rajah was put, upon which your correspondent so strongly insists, as though it invalidated the independence of the sovereignty of the Rajah; and in proof of this nothing more concise or more conclusive can be offered than the words of Mr. Elphinstone in the same letter to the Governor-General of the 18th of June, 1818 (*Parliamentary Papers*, p. 498), in which he says,—"The Rajah is young and totally inexperienced." * * * The "Government ought, however, to be emancipated as soon as circumstances will admit of it, and be placed on the same footing of independence as other allies."

Abandoning, however, for the purpose of argument both the *de jure* character and rights of the late Rajah, and the proclamations and professed intentions of the British Government, and confining ourselves solely to the treaty of September, 1819, which then became, and has since been, the contract, between the two parties, I am prepared to maintain that under that treaty the Rajah continued to be an independent Sovereign, capable of adopting children without needing any suzerain's confirmation. And with reference to the character of the treaty itself, and the manner in which it is to be regarded and construed, I must say I do not think the remarks of your correspondent calculated to leave a fair or correct impression. "Indian treaties," says he, "are seldom framed with the same clearness and precision as documents of the like kind in Europe; they are frequently drawn up in the hurry of war and conquest, when there is little leisure for the calculation of future contingencies and combinations not immediately to be foreseen." Now, what impressions these observations would be likely to make on the mind of a reader with reference to the Sattara treaty, I leave to each reader to judge; in commenting on them I will only observe that on the 11th of February, 1818, a proclamation was issued, declaring the intention of the British Government to place the Rajah at the head of an independent sovereignty; that on the 20th of February, 1818, the person of the Rajah fell into our hands; that on the 18th of June, 1818, Mr. Elphinstone reported to the Governor-General (*Parliamentary Papers*, *pp.* 498 and 555), "The Rajah is desirous to have a treaty concluded with him; but there is no urgency in the case, and I shall therefore await your Excelleacy's instructions regarding it;" that no less than 15 months afterwards—on the 21st of September, 1819—Mr. Grant "waited on the Rajah, and delivered to him the Mahratta translation of the draught of the proposed treaty, and requested that His Highness would deliberate for a day or two upon the several articles;" that Mr. Grant "saw the Rajah daily on the 23rd, 24th, and 25th days of that month, and was several hours with him at each time, and explained and talked over every part of the treaty."—(*Parliamentary Papers*, *pp.* 501, 502). Truly, if this is the way in which treaties are made "in the hurry of war and conquest" one is puzzled to imagine how they will be made "in the leisure of peace and amity."

In reference, however, to the independence or vassalage of the Rajah under the treaty in question, it seems to me that the preamble establishes conclusively, that the two parties treated on equal terms, not as suzerain and vassal; and bears on the face of it that it was made by two independent powers treating on equal terms, and not by a suzerain dictating terms to its vassal, as follows:—"Treaty of perpetual friendship and alliance between the Hon. East India Company and His Highness Maharajah Purtaub Singh, his heirs and

successors, concluded at Sattara, the 25th of September, 1819, by Captain James Grant, Political Agent, on the part of the Hon. East India Company, and Wittul Punt Furnawesse, on the part of the Rajah, by virtue of full powers from their respective Governments."

It is true that by the treaty "certain conditions and obligations" were imposed by the stronger on the weaker, but this in nowise invalidates the independence of either party. It is of the essence of all treaties to establish conditions and obligations; and if the fact of the stronger imposing conditions on the weaker abrogated the title of the latter to independent sovereignty, not only should we be obliged to deny the independent sovereignty of the King of Oude, of the Nizam, and of every other native Prince; but also we should be obliged to maintain that France in 1814 and 1815 become the vassal of the allies of the time, or, in language analogous to your correspondent's, "a fief as it were of the allied Empire in Europe"—a position too preposterous to require further comment.

It appers to me, therefore, that by the very form of the treaty the British Government acknowledged the Rajah of Sattara to be an independent Sovereign; and as the treaty contained not only no positive stipulation, but even no implied or inferrable condition that the Rajah's natural right of adopting his successor should thenceforth be contingent upon the consent and confirmation of the British Government, I beg to differ *toto cælo*, from your correspondenent, and to maintain that "it is manifestly not open to the British Government to acknowledge or reject," at their pleasure, the present Shahoo Rajah, "the adopted son of the late Rajah, as the heir to the throne of Sattara."

Finally, conceding to your correspondent, for the sake of argument, all he asserts, and even more—supposing, for instance, that the late Rajah had never made any adoption of the present Shahoo Rajah at all—still, as the sovereignty of Sattara was granted to the late Rajah, his heirs and successors in perpetuity, and as Shahoo Rajah is the first cousin's son, and unquestionably the right heir of the late Purtaub Singh, the present Shahoo Rajah in his own right succeeded to the sovereignty of the State of Sattara on the death of the late Rajah. The first article of the treaty of the 25th of September, 1819 (which in respect of this first article is distinctly confirmed by the treaty of the 4th of September, 1839) cedes the Sattara territories to the Rajah, his heirs and successors, in perpetual sovereignty; subject, no doubt, to the right of the stronger to interfere on the breach of certain specified conditions. Those conditions, however, never were broken by the late Rajah; on the contrary, the breach of those conditions was on the part of the Bombay Government, in their rapacity and eagerness to appropriate to themselves, in violation of the treaty, and in contumacious defiance of the orders and authority of the Supreme Government, and the Court of Directors, certain of the Rajah's jageers. By him, I repeat, those conditions never were broken * * * * * * * *

I am, Sir, your obedient servant,

JOSEPH HUME.

Barnley-hall, Norfolk.

22. Some members of the Court of Directors issued notice, requesting that the meeting of the Court of Directors, to be held on the 20th December, 1848, be regarded as a Special General Meeting of Pro-

prietors, to consider the subject of the Sattara State. The subject was discussed at length and the speeches, of such as took part in the affair, were published as follows in the issues of the London *Times* of the 20th and 21st December.

a. Notice published on the 7th December, 1848, by the members :—

(*Extract No.* 87.)

EAST INDIA HOUSE, December 13, 1848.

THE *Court of Directors of the East India Company* do hereby give notice, that the QUARTERLY GENERAL COURT of the said Company, appointed to be held at their House in Leadenhall street, on Wednesday, the 20th instant, is made Special in consequence of the following requisition, viz. :—

"London, December 7, 1848.

"To the Chairman and Directors of the East India Company.

"Honourable Sirs,—We, the undersigned, Proprietors of East India Stock, duly qualified by law, request that you will convene a Special General Court of Proprietors for the purpose of taking into consideration the accompanying resolutions, and that you will be pleased to publish the same with this our requisition.

"We have the honour to be, Honourable Sirs,
"Your obedient servants,
(Signed) "J. SULLIVAN.
"ARTHUR J. LEWIS.
"M. LEWIN.
"THOS. FOX.
"CHAS. FORBES.
"JOHN POYNDER.
"J. W. GRAHAM.
"JOSEPH HUME.
"JAMES STEWART FORBES."

RESOLUTIONS.

"That the East India Company having by the first article of the treaty contracted with Maharaj Pertaub Sing on the 25th September, 1819, 'ceded the territory of Sattara to the Rajah of Sattarah, his heirs and successors, in perpetual sovereignty;' and having by the first article of a treaty concluded on the 4th September, 1839, with Maharaj Shajee, (commonly called Appa Sahib,) solemnly confirmed that article, the East India Company cannot alienate the territory of Sattara from the rightful heir of the Raja of Sattara without a gross violation of public faith, and without shaking the confidence of the native powers of India in the stability of the treaties into which they have entered with the said Company.

"That the seizure of the Sattara Territory by the East India Company, by virtue of a construction arbitrarily put upon the said treaties by the stronger of the two contrating parties would be a proceeding repugnant to every principle of justice, a breach of the law of nations, and calculated to cast a foul stain upon the character of that Company and the British Government."

JAMES C. MELVILL,
Secretary.

b. Mr. Lewis.

(*Extract No.* 88.)

Mr. LEWIS rose to propose—"That the East India Company having, by the first article of the treaty contracted with Maharaj Pertaub Singh, on the 25th of September, 1819, 'ceded the territory of Sattara to the Rajah of Sattara, his heirs, and successors, in perpetual sovereignty,' and having in the first article of a treaty concluded on the 4th of September, 1839, with Maharaj Shajee (commonly called Appa Sahib), solemnly confirmed that article, the East India Company cannot alienate the territory of Sattara from the rightful heir of the Rajah of Sattara, without a gross violation of public faith, and without shaking the confidence of the Native powers of India in the stability of the treaties into which they have entered with the said Company. That the seizure of the Sattara territory by the East India Company, by virtue of a construction arbitrarily put upon the said treaties by the stronger of the two contracting parties, would be a proceeding repugnant to every principle of justice, a breach of the law of nations, and calculated to cast a foul stain upon the character of that Company and the British Government." The principle involved in the proposition might be shortly stated—it depending upon the construction of two treaties, one dated in 1819 and one in 1839. In order to disentangle the question of all difficulty, he would admit that Rajah Pertuab Singh had by his conduct forfeited all right to the throne of Sattara, but he did so hypothetically and for the sake of argument, as he still firmly believed he was innocent of the acts alleged against him. The meeting were aware that by his deposal, in 1839, his brother Appa Sahib was raised to the throne; but there was nothing in that act to affect anything beyond the right of Pertuab Singh himself, Appa Sahib receiving the throne with all the rights guaranteed by the treaty of 1819. By that treaty it was clearly provided that the sovereignty should be secured to the heirs and successors of the Rajah in perpetual sovereignty. The first article in the treaty was explicit on that point, the words in the original language implying that the rights were ceded to the Rajah, his heirs lineal, his heirs general or collateral, and his representatives, or adopted heirs. Now, Appa Sahib died, leaving an adopted son, and he (Mr. Lewis) contended that he was entitled to succeed to the throne. But, if that was held to be invalid, then he would contend that the succession was in the heir general—the nearest in relation-ship to Appa Sahib. As to the subject of adoption it appeared to him that it was fully recognised by the treaty, as it was well known that the Hindoo Princes were in the habit of continuing their dynasties by that means, and Mr. Mountstuart Elphinstone being perfectly aware of that fact when he entered into the treaty, as was apparent by various letters and despatches he had written. The Hon. Proprietor then went on to contend that in law and honesty the treaty must be interpreted as it was written; and though it had been asserted that the adoption was not legal, because the assent of the Governor General had not been obtained, he felt assured such a course was unnecessary, as Appa Sahib was an independent sovereign, though it might be necessary from a tributary prince. He considered, from letters of Sir James Carnac and the Governor (Sir R. Grant), that they were bound to admit the claims to the sovereignty, either of the adopted son of Appa Sahib or the heir general; even Sir Robert Grant stating that, though the Rajah Pertaub was guilty of conspiring against the Company, there was no evidence of guilt against his brother or his cousin, who after him were entitled to the throne. The East India Company had declared that they had no wish, that they had no motive for aggrandisment, and he (Mr. Lewis) could not therefore believe that any other

view than that which he had placed before them could be adopted. If treaties were not to be respected, they ought in justice to tell all the native Princes so between whom and the East India Company treaties existed, in order that they might know what they had to trust to, and provide for their families, so as to save them from disgrace and destitution. The policy the Company appeared now to be adopting was illiberal and sordid, and if they carried it out, they might depend upon it they were standing upon voltaic ground. That policy had been reprobated by some of the best and wisest of our statesmen—men who had spent the greater parts of their lives in the Presidency, and knew what was the interest of both parties. It had been reprobated by Colonel Munro, by Mountstuart Elphinstone, and the Duke of Wellington, men whose opinions were surely worth more than those of anonymous writers in the press—the arrogance of whose articles showed the source from which they proceeded. The policy he had alluded to had caused great misery in India—the war in Scinde—and would hereafter cause further disasters if persevered in. He considered the course pursued in regard to the Rajah of Sattara wholly unworthy of the British nation, and of that Company. They ought to show a spirit of kindness, and watch every opportunity of doing good to the natives of India. He would conclude by moving the resolution.

c. Mr. Lewin.

(*Extract No.* 89.)

Mr. LEWIN seconded the motion. There could be no doubt about the force and existence of the treaties, or that the person who claimed was the heir of the late Rajah, or that the Rajah had the right of adoption.

d. Mr. Weeding.

(*Extract No.* 90.)

Mr. WEEDING hoped the Directors would resume the sovereignty of Sattara, if they could do so without a violation of honour, * * * * *

e. Mr. General Briggs.

(*Extract No.* 91.)

General BRIGGS wished to know what was the use of guaranteeing to the Rajah of Sattara and his heirs and successors the "perpetual sovereignty" if the East India Company could resume it when the Rajah had heirs and successors living. If it were contended that no native princes had a right to adopt children as their heirs without the sanction of the Governor-General of India, that was a dangerous doctrine to lay down, because several of the native princes of India, now reigning, had been the adopted children of the former rulers. He opposed the adjournment of the debate.

f. Mr. Clarke.

(*Extract No.* 92.)

Mr. CLARKE hoped the Directors would, if they had any doubt on the subject, put themselves in communication with the framer of the treaty (the Hon. Mountstewart Elphinstone) who was still alive.

g. Mr. Lewis spoke again.

(*Extract No.* 93.)

He strongly deprecated the illiberal, selfish, and sordid policy which had been pursued in this case by the British Government, and which was likely to be attended with the most dangerous and disastrous results. Some of the most able official servants of the Company had condemned in very emphatic terms the injurious consequences of destroying all confidence on the part of the native states of India. He totally disapproved of the aggressive and grasping policy which had led them to invade the territories of the Sikhs, attack their capital, and depose their King—which had led to the invasion of Scinde, and which would ultimately re-act with fearful effect upon their finances, their influence, and their character. He could not understand upon what principle the British Government should attempt to keep from the rightful owner the territories of Sattara. He urged them to adopt a contrary system of policy, which was that best calculated to confirm their rule and secure the affections of the people of India. The Hon. Proprietor concluded by moving the resolutions as follows:—

"That the East India Company, having by the first article of the treaty contracted with Maharaj Pertaub Sing, on the 25th September, 1819, 'ceded the territory of Sattara to the Rajah of Sattara, his heirs and successors, in perpetual sovereignty,' and having, by the first article of a treaty, concluded on the 4th September, 1839, with Maharaj Shajee (commonly called Appa Sahib), solemnly confirmed that article, the East India Company cannot alienate the territory of Sattara from the rightful heir of the Rajah of Sattara, without a gross violation of public faith, and without shaking the confidence of the native powers of India in the stability of the treaties into which they have entered with the said Company.

"That the seizure of the Sattara territory by the East India Company, by virtue of a construction arbitrarily put upon the said treaties, by the stronger of the two contracting parties, would be a proceeding repugnant to every principle of justice, a breach of the law of nations, and calculated to cast a foul stain upon the character of that Company, and the British Government.

23 The speeches delivered by Mr. Lewis, General Briggs, and Mr. Dickenson, on the 20th December, 1848, published in the issue of the *Morning Herald* of the 21st instant, are as shown below:—

a. Mr. Lewis.

(*Extract No.* 94.)

Mr. Lewis then proceeded to bring under the notice of the Court certain resolutions relative to the Rajahship of Sattara, to consider which the Court (on the requisition of nine proprietors) had been made special. The hon. Proprietor contended that the alienation of the territory of the Rajah of Sattara from his heirs and successors would be a stain and dishonour to the British name. * * * If it were alleged that the adoption of an heir by the late Rajah was invalid, on account of his not having previously obtained the consent of the Governor-General to this adoption, there would be no doubt that the heirs general of the late Rajah were entitled to succeed him. The British Government, and the East India Company, had themselves

put that construction on the treaty. The violation of the faith of treaties had been a policy repudiated by the ablest diplomatists and statesmen in India, authorities whom the directors had much better consult than the anonymous letters which appeared in public journals or the editorial remarks called leading articles, the arrogance, flippancy, and assumptions in which showed from what a tainted source they proceeded, and with what views they were put forth. It could not be alleged as a pretext for alienation that the territory of Sattara had been misgoverned, for the administration of Pertaub Singh and Appa Sahib had been praised in that Court. The inhuman practice of Suttee had been put down by them, commerce had improved, roads had been made, British schools had been introduced, and there was nothing on the score of mal-administration which could justify the alienation of their territory. The people were not desirous of a change; they were attached to their laws, their Government, and their rulers, and they only asked to be left in the enjoyment of the blessings of their present institutions. It would be unworthy of the British Government or the British name to alienate a territory solemnly guaranteed by treaty to the rightful heir of the Rajah of Sattara, and he would accordingly move—

b. Mr. Lewin.

(*Extract No.* 95.)

Mr. Lewin seconded the motion.

c. General Briggs.

(*Extract No.* 96.)

General Briggs reminded the Court that the British Government in India had conferred the perpetual sovereignty of the dominions of the Rajah upon his heirs and successors, and went through a genealogical table of some length to show that the present claimant was the only party legally entitled to it, and that the Government had no right to take away dominions which had never been rightfully theirs. If they attempted in this way to infringe upon the rights of individuals in India they might shake the very fidelity of the native army, upon which their power mainly depended. He strongly opposed the question of adjournment, and urged upon the Directors to take the matter now into its serious consideration.

d. Colonel Dickenson.

(*Extract No.* 97.)

Colonel Dickenson thought there were strong grounds for believing that by the terms of the treaty the succession to the territories of the Rajah were secured from all interference on the part of the British Government.

24. Upon the issue of notice by nine Proprietors on the 17th January, 1849, a Special General Court of Proprietors again met on the 7th February, 1849. On this occasion many of them delivered speeches, which were published in an issue of the Evening *Sun* and are extracted as follows:—

a. Notice published by nine Proprietors.

(*Extract No.* 98.)

A Special General Court of the Proprietors of this Company was held to-day, at twelve o'clock, at the East India House, at the desire of nine Proprietors of East India Stock, as expressed in the following letter:—

"London January 17, 1849.

"To the Chairman and Directors of the East India Company.

"Honourable Sirs,

"We, the undersigned Proprietors of East India Stock, duly qualified by law, request that you will convene, at you earliest convenience, a Special General Court of Proprietors, for the purpose of taking into consideration the accompanying Resolutions, and that you will be pleased to publish the same with this, our requisition.

"We have the honour to be,

"Honourable Sirs,

"Your obedient servants,

"JOSEPH HUME.
"ARTHUR J. LEWIS.
"J. SULLIVAN.
"CHARLES FORBES.
"JOHN POYNDER.
"GEORGE FORBES.
"JOHN BRIGGS.
"CHARLES GRANT.
"J. W. GRAHAM."

"That by the treaty concluded between the East India Company and his late Highness Pertaub Singh, Raja of Sattara, on the 25th September, 1819, the territories of Sattara were secured to him and to his heirs in perpetual sovereignty. That by the supplemental treaty of September, 1839, the said territories were confirmed to his brother Appa Sahib, as the next collateral heir and successor, and to his heirs, on the same terms as specified in the treaty of September, 1819.

"That this Court has heard with feelings of the deepest surprise and alarm of the contemplated seizure, confiscation, and annexation, by the East India Company, of the Sattara territories, in violation of the rights of the lawful heir; believing, as this Court does, that such seizure, confiscation, and annexation would be a most flagrant breach of the said treaties so solemnly entered into and confirmed, would be a disgrace and stain upon the British character, and would seriously weaken the confidence hitherto reposed by the princes and people of India in the justice and good faith of the East India Company and of the British Government.

"That under such circumstances this Court deems it to be their imperative duty to declare their solemn conviction of the impolicy and danger, no less than of the injustice of such a proceeding, and to express their earnest hope that the Court of Directors and the Board of control will withhold their sanction from such a measure."

"JAMES C. MELVILL, Secretary."

The attendance of Proprietors was very large.

Sir S. Lushington took the chair at the appointed hour.

b. Mr. Hume, M. P.

(*Extract No.* 99.)

Mr. HUME, M. P., rose and said—Mr. Chairman, as one of those who have been instrumental in calling together this Court, and as the Proprietors will no doubt expect some explanations as to the grounds on which they have been called together, and the object which the requisitionists have in view, I will proceed at once briefly to state them. It will be remembered, that in December a Court was summoned. I was one of those who signed the requisition; but, being absent from town, I was unable to attend. The object of that meeting was to ascertain whether the Court of Directors contemplated the suspension of the treaty made with the late Raja of Sattara, and thus to deprive his heirs of the property which appeared legitimately to belong to them by right. I confess I was among those who believed that no such proceedings could take place without some further information which the Directors were not then, however much they may be now, possessed of. Had I been present at that meeting I should have moved the adjournment of the Court, on the announcement of the Chairman that the whole matter was under the consideration of the Court, together with the papers which had just then arrived from India.—(Hear, hear.) Such was my impression, and I subsequently took an opportunity of stating that was my impression to some of the Directors whom I now see within the bar. I regretted much that any discussion should have taken place at that meeting, as I am convinced that any discussion, without the documents necessary to form a sound opinion, must inevitably lead to arriving at a conclusion opposite to that which we should arrive at if we had had an opportunity of perusing the requisite documents. The possession of such means of judging are necessary before we can come to a sound conclusion upon all the question which engage the attention of the Court, but more especially is such a course necessary when we have to decide upon public questions of great importance; and this question is one in which are involved the most momentous conditions. If, Sir, I am correctly informed, after Mr. Lewis, in the absence of Mr. Sullivan, had made his statement and submitted his motion, upon which the Deputy Chairman rose up and proposed the adjournment of the Court, you said that the motion for the adjournment was submitted on the ground that the question was receiving the consideration of the Directors, that it was *subjudice* before the Directors, who would bring to it the best consideration they were enabled to do. You went on to state, that as the papers which had recently arrived from India were under the consideration of the Directors, it would be far better to adjourn the Court, in order to afford time for their production and perusal by the Proprietors. That statement would have induced me to advise my Honourable and Learned Friend to postpone any further remarks until the Directors and the Proprietors had had an opportunity of considering the papers. Now, Sir, I apprehend that what was stated then led the Proprietors to imagine that the papers contained something new—something which had not up to that time been brought before us in this Court. It is quite possible that these papers may be of a very important nature, and may tend in a great measure to alter the opinion which I have formed. I do not know that this is likely, but what I have stated with respect to myself may be true with regard to others. The production of all papers is absolutely necessary before the Proprietors can give an honest opinion, and come to an equitable decision upon the matters brought before them; and it would be most unfair, I think, to the whole of the Proprietors for the Directors to come to a decision with respect to a question which has been so long before the public, until the fullest

information has been afforded them. Now, Sir, the Court adjourned to give the Directors an opportunity of producing these papers. I am sorry to see the Chairman shake his head—(Laughter.) I would merely observe that a conventional feeling guides the conduct of gentlemen in every station, and in every court, by which a fair opportunity is afforded to every one of candidly expressing his opinion before a determination is arrived at—(Hear, hear.) I am sure every man in the Court as well as myself, had I been present, would have concurred in the adjournment, and concurred in it in the belief that the Court of Directors wished for a short time to consider as to the course which they should adopt.—(Hear, hear.) I understood, in fact, that the 3rd day of January had been fixed as the day on which they were to meet the Proprietors, and to explain what they intended to do, and would take their opinion as to its policy and justice.—(Hear, hear.) I say every man present, and every one who has read the remarks made on that occasion, must be fully impressed with the belief that the documents were to be produced, and that the adjournment was proposed in order that they might be printed and circulated among the Proprietors, and that they likewise might be enabled to have an opportunity of coming to a decision before any orders were sent out to India with respect to the territory of Sattara—(Cheers.) Now it is quite possible that men in high stations may resort to expedients to deceive, they may adopt a course inconsistent with fair dealing, but in the end such conduct will not answer with the public. I say again, therefore, that the fair interpretation of the statement of the Chairman at the last meeting was what I have stated—that the Proprietors were to have the papers before them; and having had these papers before them, that they were then to take the whole question—which is one of the greatest importance—into consideration. I am sorry to find, from the intimation of the Chairman, that he denies that any such intimation was given. Your intention, then, seems to have been to gain time. It was stated by an Hon. Gentleman at the last meeting who objected to the question of adjournment, that they might again meet without the papers having been produced, and that they might be told, "You are late—the question has been decided—and you have no longer any right to interfere." Sir, that the directors would so act was repudiated—that they would take such an advantage of the Proprietors was distinctly denied. Now, Sir, I complain on behalf of the Raja, that we have been deceived—that the promise held, and the pledge given, that the Court was to adjourn, in order that the documents from India should be published, have been broken.—(Hear.) I complain that the Directors have not produced these papers, and they have come to a decision, in conjunction with the Government, to seize the Sattara territory, and orders have been sent out for the appropriation of the whole of the territory of Sattara to the Company without reference to any provision for the heirs of the deceased Raja. Now, Sir, if that is the case, I have only to say that a transaction more discreditable, more dishonourable, and one more likely to have a deep effect upon the public mind, it has never in my long life been my lot to experience. The charge I thus make against the Directors is a serious one, and must be investigated. I complain, Sir, that you have stolen a march upon the Proprietors, to use a common phrase. Yes! I complain that you have stolen a march upon us most unfairly, most improperly, and I ask you, Sir, if it was right that you should have acted thus, and why you refused to afford the Proprietors an opportunity of discussing the question after the production of the papers? On what ground have you denied to us the right which we possess of discussing all matters such as this more especially one in which the honour of the Company is concerned, the faith of treaties, and the character of the English nation is

involved?—(Cries of "Hear, hear!") For, Sir, if there is anything more discreditable than another, it is that the faith of sacred treaties entered into between state and state should be wantonly violated. And, Sir, I feel this the more because, during the long period I have been a Proprietor, and on all occasions in which I have attended this Court, I have repeatedly stated that the success of the East India Company was not owing more to the power of its arms, than to the good faith which it had maintained with native chiefs; and I have always held, Sir, that the combinations of native chiefs for no good purpose were broken asunder and rendered powerless, and each strengthened in his relations with this Company, because they had no confidence in each other, as they could not be trusted, and that they put the most implicit faith in this Company on account of the strict honour with which it had kept, before the world, the faith of all the engagements into which it had entered; but if, Sir, you are about to break agreements which have been entered into with you in good faith—if you are about to set aside treaties solemnly entered into without the sanction of the Proprietors, who, by the tenor of the Act of Parliament under which we are incorporated, are themselves Governors, and you are only appointed by them to carry on the government—that confidence which has been heretofore reposed in you will be irreparably shaken.—(Hear!) I say you have acted most unfairly, because you led us to expect that our decision would be sought upon the matter before you came to a final decision. Under these circumstances, I will not enter into the general question whether treaties have been violated or not, whether a young man who had been named as the successor of the deceased Raja, both by adoption and lineal descent, is entitled to the territory; and I believe the person who claims to be the heir to the territory has been indicated by the late Governor-General, Sir Robert Grant, as the real heir—indicated, too, as such in all your documents. The question of his right, therefore, is quite independent of the question whether Pertaub Singh has betrayed or violated the treaty. The question is, is his family to be punished for any acts of which he may or may not have been guilty?

Mr. Clarke said the Hon'ble Proprietor was out of order, unless he intended to conclude with a motion.

Mr. Hume replied that the Hon'ble Proprietor must know little of his practice if he thought that he intended to conclude without a motion.—(Laughter.) He was not, however, about to enter into the general question. He merely wished to state that the successor of the deceased Raja must not be held, in common parlance, implicated in any of the guilt which was laid to the charge of his grand-uncle. Having been informed by the first Minister of the Crown that it was a fact that orders had gone out, with the approbation of the Board of Control, to confiscate the Sattara territory, he expressed his sincere regret that the Directors had adopted so precipitate and uncalled-for a step. He begged to move that the Court do adjourn for a fortnight or three weeks, in order that the papers might be in the hands of the Proprietors. By law, he believed that the Proprietors were entitled to copies of all documents which were laid before the House of Commons. He had spoken thus strongly because he felt strongly the disgrace—he would call it the infamy—which attached to every one connected with the East India Company, in consequence of the course it had adopted. If disgrace attached to persons in private life who committed a glaring breach of faith, how much more so must they condemn a great Company who committed such an act as this? It was not so much with respect to the stain of the deceased Raja's family that he spoke thus, but of the faith of the treaties which were about to be violated, and the disgrace which would thereby be brought upon his name.

The hon'ble gentleman subsequently amended his motion, and moved for copies of the papers which he had moved for in the House of Commons, in order that they might be circulated among the Proprietors.—(Cheers.)

c. Mr. Lewis—

(*Extract No.* 100.)

Mr. Lewis thought the sooner the discussion was dropped the better; but there was one question which he wished to put to the Chairman. Mr. Clarke had asked the Chairman at the last meeting whether or not he had referred the question to Mr. Elphinstone. The meeting all knew that Mr. Elphinstone was a person competent to decide that question, and therefore it was necessary to see what his opinion was, both as to the construction of the treaty and as to the position of the parties. He (Mr. Lewis) wished to know whether the Chairman had done so.

25. To administer justice to our State, which was annexed by the proceedings of the East India Company, several of the members of the Hon'ble Court of Directors issued notice on the 27th April 1849 ; and accordingly a meeting of the Court of Directors was held on the 28th instant, when speeches were delivered by the members, which were published in a subsequent issue of the *Daily News.*

a. Copy of notice published by the members on the 27th April.

(*Extract No.* 101.)

East India House, April 27, 1849.—The Court of Directors of the East India Company do hereby give notice that a General Court of the said Company will be held at their House, in Leadenhall-street, on Tuesday, the 1st of May next, from 11 o'clock in the forenoon until 6 o'clock in the evening, for the purpose of taking a ballot in pursuance of the following requisition, *viz.*—

" We, the undersigned, deeming it highly inexpedient to interfere with the responsible executive in their administration of the affairs of Sattara, and therefore strongly deprecating the passing of a resolution such as that now proposed, demand that the question thereon be put by the ballot.

" A. Galloway.
" J. L. Lushington.
" Charles Mills.
" Edward Goldsmid.
" William Dent.
" J. Romer.
" H. T. Prinsep.
" John Ledger.
" Thos. Poynder.
" Richard Twining.
" J. W. Hogg.
" H. G. A. Taylor.
" J. A. Arbuthnot.
" Richard Thornton.
" W. H. C. Plowden.
" Ross D. Mangles.
" H. Shank.
" F. Warden.
" E. Macnaghten.
" Henry Alexander.
" Charles Shea.
" John White.
" D. C. Marjoribanks.
" G. W. Currie.
" John Dean.
" Russell Ellice.
" Thomas Weeding."

The question alluded to in the foregoing requisition, and upon which the ballot is to be taken, is as follows, *viz.*—

"That this Court is of opinion that the treaty concluded by the Bombay Government in 1819 with Pertaub Singh, Raja of Sattara, and subsequently renewed with his brother and successor, the late Appa Sahib, conferred upon and guaranteed to those princes the hereditary sovereignty in the principality of Sattara; and this Court, being further of opinion that the heirs and successors to those princes, whether by adoption or in right of blood, are entitled to the inheritance under the terms and conditions of the said treaty, this Court considers it to be right and necessary to record its opinion that no case has been made out to justify the annexation of the said principality of Sattara to the British territory."

JAMES C. MELVILL, Secretary.

b. Mr. McKenzie, a Proprietor, at the General Meeting called as above, spoke as thus reported—

(*Extract No.* 102.)

Mr. McKenzie was the mover of the adjournment on Wednesday, and that gentleman then rose and addressed the Court to the following effect. He hoped that, on the present occasion, the question before the Court would undergo a full and complete discussion, and that the result would be that it would be for ever set at rest. (Loud cries of "Hear, hear!") At the same time, he hinted that, in considering the question before it, the Court would not violate those principles of equity by which, with few exceptions, their conduct had hitherto been regulated. He would take the liberty of reminding the Court that justice ought to be paramount, and over-ride all questions of expediency. It had been truly stated that the strength of the British Government in India depended upon its moral character. The individual who, having been guilty of error, and promptly acknowledged it, was entitled to the highest degree of human praise; and the same observation was equally applicable to a public body, whose duty it equally was not to persevere in injustice. It was this opinion that induced him to address the Court on the present occasion, and to implore the Directors to adopt the principle admitted in our courts of criminal judicature, that where a doubt existed to give the accused the benefit of it. Sure he was, at all events, that the right now claimed on the part of the adopted son of the late Raja of Sattara was one that would be immediately recognised in every court of justice in England. He was convinced that the present Governor-General of India was a most honourable man, and would admit that there did exist some doubts as to the legality of the claim set up by the East India Company to the territories of the late Raja of Sattara, and consequently the claim ought to be abandoned. He was aware that the Directors of the Company had a greater degree of responsibility cast upon them than the Court of Proprietors. Nevertheless, without any wish improperly to interfere with the executive government, and which he would admit the Court of Proprietors ought not to do except in extreme cases, still he thought it was highly proper that such interference should take place occasionally, for even the best of governments required a little looking after. The native princes of India set the highest value on the right of petitioning, and that right ought to be enjoyed by them to the fullest possible extent. The case now before the Court was not the Sattara case, but was one entirely new. The parties to it

were different, and the question itself was altogether different from that which had been agitated during the interminable Sattara discussion. (Hear, hear!) It was one that involved the credit and good faith of the East India Company. In the few observations with which he intended to trouble the Court, he would leave the old case of the Raja out of the question altogether. (Hear!) With the guilt or innocence of the late Raja the Court now had nothing whatever to do. The Hon'ble Proprietor then expressed his regret at the course adopted by the Court of Directors, as set forth in their despatch to the Governor-General of India, dated the 24th of January 1849, in which they stated—"The result of our deliberation is that, concurring with you in opinion, we are fully satisfied that, by the general law and custom of India, a dependent principality like that of Sattara cannot pass to an adopted heir without the consent of the paramount power; that we are under no pledge, direct or constructive, to give such consent; and that the general interests committed to our charge are best consulted by withholding it. The pretensions set up in favour of the adopted son of the ex-Raja being wholly untenable, being excluded by the fact that none of them are descended from the person in whose favour the principality was created, the ex-Raja Pertaub Shean, it follows that the territory of Sattara has lapsed by failure of heirs to the power which bestowed it, and we desire that it be annexed to the British dominions." He (Mr. McKenzie) had read the whole of the papers attentively, and could not find anything in them which would warrant the Directors in coming to such a decision. He repeated that he had looked in vain for anything that would bear out the Directors in the decision at which they had arrived. The territory of Sattara was ceded to the late Raja in perpetual sovereignty, and to his heirs and successors; and that cession gave a right of adopting a successor. He had consulted some of the most eminent men in the legal profession, who, with one voice, declared that, under the circumstances, and according to the laws of India, an adopted son was as much heir to the property of the Raja as the heir of his body, supposing there had been one. Indeed, a letter of Mr. Elphinstone carried the principle still further, and said that an adopted son took precedence of all collaterals. If the late Raja was entitled to inherit that territory without the leave of the Company, he was equally entitled to adopt a successor. He would admit, for the sake of argument, that it was the duty of the Court of Directors to add as much as possible to the revenue of the Company, but then in doing so they ought not to violate the rights of the native princes. There had been innumerable cases in which the right of adoption had been recognised by the East India Company, and in some of them, where an adopted son had died, the right of a second adoption had been allowed. In conclusion, the Hon'ble Proprietor said he hoped the Court would do justice in the present case, and thanked the Court for the attention with which they had listened to his observations.

c. Sir H. Willock, a Director, is thus reported—

(*Extract No.* 103.)

Sir H. Willock said he was averse to expressing an opinion against that of the majority of the Court of Directors, but the question now under discussion was no common one, and he would not shirk from expressing his opinion upon it. He would admit that the deposition of the late Raja had been forced upon the Government of India, but the question before the Court was altogether unconnected with that deposition. The misconduct of the late Raja did not deprive him of the right which the laws of India

gave him of appointing his successor. He had always considered the annexation of the territory of Sattara as a violation of a solemn treaty entered into between the parties, and a proceeding which he feared would have a most injurious effect in India.

d. Mr. Prinsep—

(*Extract No.* 104.)

* * * * It was the proudest thing in his life that he could now boast that he had never been the supporter of unjust government, and it was well known there that on that account he had always been looked upon rather as the supporter of the Indian aristocracy than of the government. (Hear, hear!) * * *

e. Colonel Sykes—

(*Extract No.* 105.)

Colonel Sykes spoke in favour of the motion, and argued from the words of the treaty that a perpetual representative of the Sattara family was intended—the words *Kaim Mukam* meaning that there should always be somebody. (Hear, hear!) At present there were several families in India connected with the house of Sattara, so that, in his opinion, the retention of the state of Sattara by the Government was indefensible. He regretted that our whole system had been of this sort of usurpation, having a government of officials on one side, and a nation of serfs on the other. ("No, no!" and "Hear, hear!")

f. Mr. Morris—.

(*Extract No.* 106.)

Mr. Morris contended that the words of the treaty were as clear in the English language as they could be, and that there was no mistake about his heirs and successors meaning the representative, by adoption or otherwise, of the late Raja. He would give his support to the motion of Mr. Sullivan.

g. Major Oliphant—

(*Extract No.* 107.)

Major Oliphant supported the motion, and spoke in favour of adoption as the meaning of the treaty.

26. In a debate of the House of Commons, Mr. Hume and Mr. Colebrooke made speeches, which were published on the 1st August 1849 in the London *Times*.

a. Mr. Hume—

(*Extract No.* 108.)

Mr. Hume presented a petition from a number of persons, who were interested in maintaining good government in India, complaining of orders having been issued by the East India Company, sanctioned by the Commissioners of the Board of Control, to deprive the heirs of the late Raja of Sattara of the territory of Sattara, and to annex it to the territories of the East India Company; and also a petition from the Vakeel of the

late Raja, stating that there were collateral heirs to the Rajaship, and praying that the House would prevent the annexation of that principality, and grant such redress to the heirs of the late Raja as to the House should seem meet. The hon'ble member then proceeded with the motion of which he had given notice on this subject. After complaining of the difficulty which an independent member of Parliament experienced in bringing forward such a motion, in consequence of his inability to obtain from Government the production of the necessary papers, he expressed his fears that, at this late period of the session, he should neither obtain an audience to listen to what he had to say, nor an opportunity of explaining properly the grounds on which he now made this appeal. He would not enter into the merits of the case of the late Raja of Sattara; but justice was due to the heirs of that prince, and he therefore protested against the late robbery which had been committed by the East India Company, by the seizure and annexation of the Sattara state, against the legal claimants of that property. It was to him a matter of great regret that the East India Company, instead of being the protectors of the oppressed, had, from a spirit of greed and a lust of acquiring territory, been guilty of a most gross act of spoliation. He had written to Mr. Mountstuart Elphinstone, who negotiated the original treaty in 1819, on which the principality of Sattara was founded, to ask him whether he had been consulted by the East India Directors upon the subject of the confiscation of the territory of that state, and the answer which that gentleman had written to him stated that no questions had been put to him by the Court of Directors on the subject of the interpretation of that treaty, and that he had never given an opinion to the effect that the right acquired under that treaty had lapsed, or that the lineal or adopted heirs of the late Raja could not succeed. He (Mr. Hume) further asked Mr. Elphinstone whether, by the treaty, he intended to settle in perpetual sovereignty upon the Raja of Sattara and his heirs the territory of Sattara? Mr. Elphinstone's answer was, that the language which he used in that treaty (*viz.*, the treaty of 1819) was "in perpetual sovereignty to the Raja and his heirs and successors;" that it was the language which was constantly used in all Asiatic treaties; and that he meant those words to bear the same sense as they were interpreted to bear in all other treaties; but, he added, he gave no opinion as to the interpretation to be put upon the words. This was the substance of Mr. Elphinstone's correspondence, and he had authorized him (Mr. Hume) to make what use of it he should think fit. Mr. Elphinstone, it was obvious, would venture to give no opinion upon the interpretation of the treaty, because he saw that the language was so clear, and the interpretation so distinct, that no doubt could be entertained upon the subject. The same words were employed in treaties with all the independent states in India, and the same interpretation must be given to them. Having disposed of this part of the subject, he wished to call the attention of the House to a matter which he considered of the deepest importance, namely, the interference on the part of the East India Company with the religious ceremonies of the Hindus. They had recently an instance in the case of Ceylon of the serious consequences resulting from an interference with the religion of the natives. Loss of life, loss of character, and other evils had followed upon that act. He lamented that the East India Company should thus have departed from that character for which he had always hitherto given them credit, for, if there was one thing more than another for which the Company was formerly commended, it was that they faithfully maintained their pledge not to interfere with the religious ceremonies of the natives of India, but permitted them to follow out those ceremonies to the utmost extent. It was said that Pertaub Singh had no direct or collateral

heirs, and that consequently the Court of Directors had a right to assume the territory. It appeared, however, upon the authority of Mr. Frere, an officer resident at Sattara, that there were at least 30 collateral heirs. It was true that none of them had appeared as a claimant, because, by a principle sanctioned by Hindu usage of 200 years, when a son was adopted by a dying man to succeed him, all collateral heirs were set aside. He (Mr. Hume) was not alone in thinking that a violation of the treaty of 1819 had been committed by setting aside the adopted son of Pertaub Singh. Mr. Tucker, Mr. Shepherd, and three other of the Directors were of a similar opinion. But yet, in spite of all the arguments that could be adduced against it, the Court of Directors passed a resolution to annex the territory of Sattara to their dominions, and, by the news brought by the last mail, it appeared that the resolution had been carried into effect,—a fact which, in his opinion, damned for ever the East India Company, deprived them of that character which he had always hitherto desired to ascribe to them, and placed them in the rank of those who, like the barbarian of the north, used might against right. He considered them to have been guilty of an act of gross robbery and spoliation, and he could not believe that success could possibly attend it. It was for these reasons he had thought it right to place the resolution on the paper which he was now about to move, and which, he begged to mention, he would renew on an early period next session, with a view, if possible, to shame the spoliators and violators of property—he saw one of them before him (pointing to Sir J. W. Hogg)—to shame those who, while possessing an annual revenue of 20,000,000*l.* a year, had become the violators of religious freedom for the paltry object of annexing a property worth only about 120,000*l.* or 130,000*l.* a year. The hon'ble member concluded by moving —" That it appears from the papers laid before this House that, by the law and usage of India, as recognized by the British Government and distinctly expressed in a minute of Sir Charles Metcalfe, Lieutenant-Governor of the North-Western Provinces of India, and dated the 28th day of October 1837, Hindu princes, in failure of heirs male of their body, have a right to adopt, to the exclusion of collateral heirs, and of any supposed reversionary right of the paramount power; and that the British Government is bound to acknowledge the adoption, provided that it be regular, and not in violation of Hindu law. That the East India Company, by a treaty concluded on the 25th day of September 1819, ceded the territory of Sattara to the Raja of Sattara, his heirs and successors, in perpetual sovereignty, which treaty was confirmed on the 4th day of September 1839, when his brother and successor was raised to the throne. That both of the Rajas died, leaving heirs by adoption, heirs by blood, and collateral heirs. That the East India Company nevertheless (without giving an opportunity to any claimants of stating their claims) have set aside the Hindu law of succession, and have ordered the Sattara territories to be annexed to the British dominions on the plea that it has lapsed by a failure of heirs. That such a proceeding being in violation of national faith, and against the recognized rights of all the sovereign princes of India, it is the opinion of this House that the orders for annexing the Sattara territory should be suspended until those members of the family who have the right to claim to be heirs to the throne have been heard, and their rights determined."

b. Sir E. Colebrooke thus spoke—

(*Extract No.* 109.)

Sir E. Colebrooke could have no doubt, after the speech of the right hon'ble gentleman,

that important principles affecting the government of India were involved in the present question. The right hon'ble gentleman held it to be a new doctrine that Hindu princes had a right to adopt heirs, and identified himself with opinions expressed in India, especially by Lord Dalhousie, which seemed to strike at the root of the rights of Hindu princes, namely, that Hindu princes had no power to adopt heirs without the consent of the British Government as the successor of the sovereigns who were lords paramount of India. But the British Government had no right with reference to those princes except what they obtained by actual cession, or could spell out from treaties. What was the opinion of Sir C. Metcalfe? "Those," he said, "who are sovereign princes in their own right, and of the Hindu religion, have by Hindu law a right to adopt to the exclusion of collateral heirs or of the supposed reversionary right of the paramount power." Independently of the present question altogether, he (Sir E. Colebrooke) would, in the next session of Parliament, submit to the House a motion on the rights of Indian princes; but, with respect to the terms in which the Indian Government "ceded the perpetual sovereignty" of Sattara to the Raja and his successors, he must be permitted to remark that the construction attempted to be put upon the treaty by the Government was at variance with the public law both of Europe and of India.

27. Here are subjoined the views of some well-wishers of the Sattara State, as published on the 24th November 1849 in the issue of the *Evening Sun*—

(*Extract No.* 110.)

A document, which will be found elsewhere, is eminently worthy of a calm and attentive perusal, and of deep and serious consideration. Much will depend on the tone and manner of its reception, and the results it may eventually produce. The reputation of the British Government in India is involved in the issue. It remains to be discovered whether they will preserve—we should, perhaps, say *regain*—the character of equity and justice that is of such vital importance to British interests in Hindostan—a character which has been deeply injured, if not altogether forfeited, by recent transactions. It was owing to the high estimation in which the honour, the integrity, and the moderation of the East India Company was formerly held, that we were enabled to achieve such extraordinary triumphs in the East, and to consolidate the power of the British Empire. The native princes had learned to repose implicit confidence in the fidelity with which England regarded her engagements, and to believe that, so long as they conducted themselves in a fair and straightforward manner, they would be suffered to continue in the enjoyment of all their rights and privileges, not only without invasion on our part, but that we would prove their most strenuous supporters and protectors. That confidence was indeed more valuable to England than myriads of armed cohorts. It prevented many formidable conspiracies, and most probably a general combination and confederacy of the native powers against British supremacy. If it were supposed that our policy would be to maintain a system of constant aggression; to dethrone sovereign princes on the most frivolous pretexts; to confiscate their dominions, and annex them without scruple to our own territories; to look upon solemn treaties as so much waste-paper that might be set aside and disregarded whenever it suited our convenience to do so—all parties would feel it to be their interest to unite against the common enemy, and to drive from their shores a bold and unscrupulous race, whose power was fraught with the most pernicious consequences; a fearful struggle would

have long since commenced, of which it would be impossible to foresee the final termination. But so great a calamity has hitherto been averted, because we have preserved at least the appearance and semblance of justice. We have ruled by *good opinion*, by conciliating native prejudices, and appeasing native suspicion; and if we should now cast aside the mask, and openly and undisguisedly seize upon the territories of our allies, merely because our power enables us to do so, and to despise the remonstrances addressed to us, we shall deeply injure our real interests, and seriously endanger our Indian Empire.

28. To consider the right of succession by adoption of Sovereign Princes in India, certain Proprietors of East India Stock issued a notice, on the 27th March 1850, requiring that the Hon'ble Directors of the East India Company should convene a Special General Court of Proprietors. And accordingly a meeting was held, when several of the members delivered speeches, which were published in the issue of the *Evening Sun* of the 19th April 1850.

a. Notice issued by the Proprietors—

(*Extract No.* 111.)

THE SOVEREIGN PRINCES OF INDIA.

MEETING AT THE EAST INDIA HOUSE.

A Special General Court of the Directors of the East India Company was held on Wednesday at the India House, Leadenhall-street, at 12 o'clock, at the desire of nine Proprietors of East India Stock, as expressed in the following letter:—

"London, March 27, 1850.

"TO THE CHAIRMAN AND DIRECTORS OF THE EAST INDIA COMPANY.

"Honourable Sirs,

"We, the undersigned Proprietors of East India Stock, duly qualified by law, request that you will convene a Special General Court of Proprietors at your earliest convenience, in order to take into consideration the papers respecting the succession, by adoption, of Sovereign Princes in India.

"We have the honor to be,
"Honourable Sirs,
"Your obedient Servants,
(Signed) "J. SULLIVAN.
"JOSEPH HUME.
"JOHN BRIGGS.
"JAS. STEWART FORBES.
"THOMAS DICKINSON.
"W. H. STEPHENS.
"SAMUEL GOODFELLOW.
"CHAS. FORBES.
"M. LEWIN."

Precisely at 12 o'clock, the Chairman, John Shepherd, Esq., and a body of Directors, entered the large room, and the Secretary having read the minutes of the preceding Court, the Chairman called upon Mr. Sullivan.

b. Mr. Sullivan then made the following full and powerful speech—

(*Extract No.* 112.)

Mr. Sullivan rose and said he had to crave the kind indulgence of the Court whilst he proceeded to acquit himself of the task which he had undertaken on this occasion. The Court came to a vote in May last, by which it virtually asserted its right to confiscate to its own benefit the territories of any native prince of India whom it should have pronounced to have died without heirs. Now, the object which he had in calling the Court together this day was to show that, if they had been in possession of the papers which he held in his hand, they never would have come to that vote; but on the contrary, by means of the information supplied by those papers, they would have come to a contrary resolution; and, if any proof were wanting of the criminal negligence with which that most important subject was decided—a subject involving the dearest rights and interests of no less than 300 chiefs and princes of India—that proof would be found in the fact that that decision was come to in criminal ignorance of the important documents which he held in his hand, that is, in the absence of the only evidence that would have enabled them to arrive at a just decision on the subject. He said criminal ignorance, for his own experience of the mode of conducting public business in India enabled him to say that, whenever a subject of importance was under discussion before the Council of India, the first step was for the Secretary to prepare a collection of all the papers bearing upon the subject, so that those who had to decide upon it might do so with the fullest information before them. This most important subject was brought under the notice of the Supreme Government in May 1848, who did not decide upon it until August 1848—an interval which would have enabled them to ransack records and documents for every scrap of information bearing upon the subject; but, instead of that being done, the matter was treated by the Supreme Government at Bombay, and also by the Court of Directors, as if it were entirely new, and as if there were no precedents to guide them to a decision. Now, it appeared, by the papers which he held in his hand, that the question was agitated before the Council of India no less than sixteen times between the years 1826 and 1846, and in fifteen instances was decided in the teeth of the vote which was passed in May 1848. The Government of India professed to have a right to assume the territories of native princes by virtue of certain prerogatives which, they say, had descended to them from the Mogul Emperors. By virtue of those prerogatives they had already seized the principalities of the native sovereigns of Colaba, Sattara, and Mandvee, and they threatened, as occasion might offer, to extinguish all the others, including the Mogul himself, from whom they pretended to have derived their prerogatives. It was in order to meet those monstrous pretensions that he had framed the resolutions he was about to move; and he felt the fullest confidence that those of the Directors who looked to the legitimate consequences of those monstrous pretensions would concur with him in forwarding those resolutions. Let the Court see what those legitimate consequences were. If they had one prerogative of the Mogul Emperor, they had all his prerogatives; if they might seize a man's possessions by virtue of the Mogul Emperor's prerogative, they might also cut off a man's head, or do any other act of despotic tyranny which the Mogul Emperors themselves sometimes did. But

whence did the Mogul Emperors derive those prerogatives? Those prerogatives were inherent in the Mogul Emperors, as despotic sovereigns, whose will was their law. But was it necessary in the nineteenth century for him to remind the Court of Directors that they were not despotic sovereigns? Had they not denuded themselves of every vestige of despotic power? What was the object of all their treaties solemnly entered into with the native princes in India? It was to strip themselves of all those prerogatives, and to define and fix that which was before fluctuating and uncertain. Now take, for example, their treaty with the Raja of Colaba, which was one of the native states which they had already swept away. What was the preamble to that treaty? The preamble ran thus—

"Whereas by the conquest of the territories of Bajee Rao, the late Peishwa, and the complete extinction of his power, the rights possessed by his Government are now transferred to the East India Company; and whereas it is desirable to fix the future relations that are to subsist between the said Raja and the East India Company."

Now, here were certain arbitrary and undefined prerogatives which had descended from the Peishwa to the East India Company, which they immediately stripped themselves of, and proceeded to define and fix the future relations of the Company with the Raja of Colaba, in the most minute way. Now, let him call the attention of the Court to the 21st article of their treaty with the Raja of Cutch. It was as follows:—"It being contrary to the religious principles of the people of Cutch that cows, bullocks, and peacocks should be killed, the Hon'ble Company agrees not to permit these animals to be killed." Again, in their treaty with the Raja of Sattara, the British Government reserved to itself the right of cutting timber:—"The British Government also reserves to itself the right of cutting timber on the western side of the Ghauts." Here there was no room for prerogative; everything was fixed and defined by treaty, even to the right of killing peacocks and cutting timber. He could not doubt, therefore, that they would join with him on those grounds in the resolutions which he had to submit to their consideration, the first of which was as follows:—"That the British Government has no rights, and can claim the exercise of no prerogatives, over the sovereign states of India beyond what belong to it under the general law of nations, excepting such as clearly flow from the stipulations of its treaties with those sovereigns."—(Cheers.) Now, he thought he had completely established the fact that the British Government had no such rights and no such prerogatives as they presumed to exercise, but, on the contrary, that they had voluntarily stripped themselves of such rights and prerogatives, and that they could not go one jot beyond their treaties. Now, the next resolution as to those states which he had to propose, was the following:—"That those states have independent rights of succession which are regulated by local usage, and that the British Government cannot justly subvert or interfere with such rights, with any view to its own aggrandizement."—(Hear, hear!) Now, it would be his business to prove, from the papers which were now before the Court for the first time, that those sovereigns had those independent rights of succession; and, that he might do it with the more perspicuity, he should take the papers in the order of their dates, beginning with the year 1826, when the first succession in the family of Scindiah occurred. Dowlut Rao Scindiah, the sovereign of the state of Gwalior, having fallen into a dangerous state of health, the Government of India, in urging him to name or adopt a successor, took care to guard against any misapprehension of their motives by an unqualified declaration that "nothing could be farther from the wish and intention of the British Government than to exercise, now or

hereafter, any intervention in the internal administration of his country—that it did not pretend to any right to control or regulate the succession to the state of Gwalior—that its sole motive in offering advice on the subject was the interest which it took in the maintenance of the general tranquillity"—"that Scindiah, as the absolute and despotic ruler of the country, must be considered to possess the undoubted right of determining the succession"—and that it was prepared to recognize any selection that might be "made by the general voice, or by a majority of the chiefs and principal persons of the country, according to usage, whether the letter of the written law was adhered to or not." Scindiah, having failed to nominate a successor, his widow, upon his death, assumed the reins of government, was recognized by the Government of India as regent, and this recognition was extended to a son whom she soon afterwards adopted. He then came to the Kotah succession :—In 1825 the Raja of Kotah applied to the Government of India to recognise as his successor a son whom he had adopted in 1821. Before granting the recognition, that Government thought it advisable to ascertain whether the adopted son was, by Hindu law, the legal heir; there being a brother of the reigning prince alive, whose pretensions as heir by blood might, it was thought, have clashed with those of the heir by adoption. In submitting this question for the decision of a tribunal of Pundits, the Government of India declared that "the Prince of Kotah must be considered to possess the right, in common with all other Hindus, of adopting a son and successor, in conformity with the rules of the Shasters, unless precedent and state usage can be pleaded which distinctly bar the exercise of that right in the instance under consideration." Now, there was an instance of positive assertion by the Government of India—that Hindu princes had, by law, a right to adopt not merely an heir to their private property (as asserted in the case of Sattara), but a successor to their sovereignties. It was said that the object of the reference to legal authority was to ascertain whether the plan of providing for the succession "would consist with those rules and principles of law which are binding alike upon all Hindus, whether prince or peasant." The Pundits having pronounced the adoption to be valid, the Government of India, in communicating to the father the recognition of his adopted son as heir to the principality of Kotah, took particular care to explain to the Raja that the delay which had occurred in making it arose entirely from a desire to satisfy itself that the adoption was strictly legal. The head of the Scindia state was an absolute and despotic monarch. What, then, was the status of the Raja of Kotah? The first article of the treaty of Kotah said there shall be perpetual friendship, alliance, and unity of interest between the British Government on the one hand, and Maha Rao Omed Sing Behauder and his heirs and successors on the other. Again, Article 4 said the Maha Rao and his heirs and successors will always act in subordinate co-operation with the British Government, and acknowledge its supremacy, and will not henceforth have any connexion with the chiefs and states with which the state of Kotah has been heretofore connected; and Article 7 said the tribute heretofore paid by the principality of Kotah to the Mahratta chiefs (for instance, the Peishwa, Scindia, Holkar, and Powar) shall be paid at Delhi to the British Government for ever, according to the separate schedule annexed. There they had princes acknowledging in terms the supremacy of the British Government, and in token of their dependence paying tribute to that Government. It was a notable fact, in connexion with this instance of the adoption of Kotah, that the subject of this adoption was the son of a man who had fallen when fighting against the British Government; but that Government wisely and charitably determined in this, as in other instances, that the sins of the father

were not to be visited on the child, and the son was recognized as the presumptive heir of the territory of Kotah. So rooted in Hindu law was this right of adoption, that Sir Charles Metcalfe on that occasion expressed a serious doubt whether it could be set aside by the subsequent birth of a male heir. The next case of succession by adoption in the order of time was that of the Raja of Dutteeah in 1833. In that year the reigning Raja applied to the British Government for the recognition as his successor of a foundling whom he had adopted in 1830; and the British agent, in forwarding that application, said that the Raja, with other princes of his class, had a right to adopt whom they pleased, or to be succeeded by their illegitimate offspring; and that, as the treaty entered into between the British Government and the Raja confirmed the latter in his principality, his right to nominate a successor could not be disputed. In this reasoning the Government of India acquiesced, and, although the succession of the adopted son was opposed by a collateral heir, it was recognized by the British Government upon the death of the Raja, in 1840.

He (Mr. Sullivan) found his strength failing him, and therefore he should just pass over eight or nine other instances which told precisely the same tale. There was the Dhar succession in 1834, where the widow of the Raja, who had died without adopting a successor, adopted a son, who was immediately placed on the Gadee (*throne*), and his succession recognized by the British Government. There was, next, the first Holkar succession in the same year, on which the British Resident, in reporting the death of Mulhar Rao Holkar, the reigning prince, observed that a son had been adopted just before he expired; that it did not appear, however, that the adoption had been assented to, or even known to the Maharaja, previous to his death, but that, as it was a measure in which the two principal surviving members of his family concurred, he (the Resident) was not aware of any objection to its recognition by the British Government. In announcing their recognition, that Government took care to explain that they did so because the adoption appeared to be the spontaneous and unopposed act of the Holkar Government, in which the people of that state seemingly acquiesced; but that the British Government were not bound by the act of recognition to support the adoption should it prove to be illegal, or subversive of the rights of any other party, or contrary to the wishes of the majority of the chiefs and followers of the Holkar state; that it was inconsistent with the general policy of the British Government to interfere with the internal administration of its allied states, and far from its desire that British influence should be exerted to maintain the adoption, if opposed to the general voice of the country; that, in the event of Hurree Holkar, the next heir by blood, succeeding in setting aside the adoption, and establishing his own ascendancy, the British Government would, in conformity with these principles, recognize him as sovereign of the Holkar state. That contingency occurred; the adopted son, Martund Rao, was placed on the throne, but was forcibly ousted by the heir by blood, Hurree Rao, who was placed on the throne, and recognized by the British Government in 1834. Again, in 1837, in transmitting an application made by the Raja of Oorcha for the formal recognition as his successor of a son whom he had adopted some years before, Lord (then Sir Charles) Metcalfe, the Governor of Agra, re-asserted the inherent right of Hindu princes to adopt successors. He said on that occasion—"The question resolved itself into whether chiefs and princes not having heirs of the body, have a right to adopt a successor to the exclusion of collateral heirs, or to the supposed reversionary rights of the paramount power, and whether the British Government is bound to acknowledge the adoption. There is a wide

difference in the disposal of the question between sovereign princes and jageerdars—between those in possession of hereditary sovereignties in their own right, and those who hold grants of land or public revenue by life-grant from a sovereign or paramount power. Those who are sovereign princes in their own right, and of the Hindu religion, have, by Hindu law, a right to adopt to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter, in fact, in such cases having no real existence, except in the case of absolute want of heirs, and even then the right was only assumed by virtue of power, for it would probably be more consistent with right were the people of the state so situated left to elect a sovereign for themselves. In the case, therefore, of Hindu sovereign princes, I should say that, on failure of heirs male of the body, they have a right to adopt [to] the exclusion of collateral heirs, and that the British Government is bound to acknowledge the adoption, provided that it be regular, and not in violation of Hindu law." In this assertion by Lord Metcalfe—of the unqualified right of Hindu princes to adopt a successor in failure of heirs of their own body—the Government of Lord Auckland entirely concurred; and having expressed an opinion that on the right of the Raja of Oorcha to adopt a successor it was impossible to raise a question, the adoption was recognized, although the Raja had placed in peril all his rights and his claims upon the British Government by the aid and encouragement which he was supposed to have given to the Jageerdar of Chirgong when in rebellion against the British Government, that Government having in this instance, as in the case of the father of the adopted son of the Raja of Kotah, determined that the son should not be punished for the sins of the father. The next instance of adoption was that of the Rawul of Banswarra. The Rawul of Banswarra having died in 1838, without male heirs and without having adopted a successor, the nearest heir by blood, Bahadur Sing, was elected, with the consent and approbation of the leading chiefs of the principality, to fill the vacant Gadee (throne), who proceeded forthwith to adopt, as his successor, a boy named Luchmun Sing. Both the election of Bahadur Sing as immediate successor, and the adoption of Luchmun Sing as eventual successor, were promptly recognized by the British Government, as was the actual succession of the latter when Bahadur Sing died in 1844. Now, that election was made in conformity with the rule laid down by Lord Metcalfe, that, when there was a failure of heirs, it was more consistent with right that the people should elect a sovereign than that the British Government should take possession of the sovereignty as an escheat by the failure of all heirs. The next was the case of the Doongerpore succession. In that instance the titular Raja of Doongerpore having died in 1846, without issue or other lineal descendant, it became a question whether the principality should be continued under the rule of the Raja of Purtabghur, Dulput Sing, who had been adopted as his eventual successor by the titular Raja, Jeswunt Sing, or whether a new adoption should be made for the Doongerpore succession; and as the latter measure was found to be most in accordance with the feelings of the people, it was carried into effect, and provision at the same time made that, in the event of the son so adopted dying during his minority, Dulput Sing should make a second adoption. In this instance the titular Raja of Doongerpore, who had been deposed and set aside for incapacity and misconduct for twenty years before his death, was not on that account deprived of his right of adoption; so far from it, that he was permitted to make an adoption, with reservation of the rights of his own issue, should he have any. That was a third instance in which a son was held harmless for the sins of his father. Then there was the instance of the second Gwalior succession. In that case the

Government of Lord Auckland, when information was received in 1836 that the throne was again likely to become vacant by the threatened death of Junkojee Scindia, expressed their readiness, in the event of His Highness dying without issue of his body, or by adoption, to acknowledge the right of his widow to adopt a son, and to recognize her as regent during the child's minority, should such an arrangement be consonant with the general wish.

In 1841 or 1842 there was a change in the Governor-Generalship, and Lord Ellenborough came into power. Those instructions in the case of the second Gwalior succession were confirmed by the Government of Lord Ellenborough, but the Resident was at the same time cautioned not to declare the purport of those instructions, or to take any step which might compel the British Government to adhere to them. The Governor-General was asked if he had any intention to modify the regulations of the Government, but he wrote thus to the Resident:—"The Governor-General concludes that you have not made known to any of the ministers or chiefs at the court of Gwalior the line of conduct which, under your present instructions, you would pursue in the event of the demise of Scindia, without male issue or any adoption having taken place, and His Lordship directs that you reserve yourself upon that, and take no step which might compel an adherence, under other circumstances than the present, to the line of conduct now prescribed to you. There they had the germ of those pretensions which were shortly afterwards fully avowed. There they had an unmistakeable hint of the intention of the Governor-General to interfere with the succession, in the event of the death of Scindia without heirs by blood or by adoption. But this caution came too late—the widow's adoption of the next heir by blood was recognized; but, in communicating the recognition, the Governor-General assumed a position and used a language which was quite novel in the intercourse between the two states. The Governor-General, in the first place, invited the young Raja to repair to Agra, where he was then residing, that he might himself grant investiture of the title; but this invitation being declined, the Resident was directed to perform the ceremony—"thereby," to use the Governor-General's language, "affording the most public proof of my confirmation of the Maharaja's adoption." Here we have a public avowal that Scindia's title as successor to an "absolute and despotic monarchy," required for its validity the confirmation of the British Government. There, then, they had for the first time the Governor-General seated in the chair of the Mogul Emperors, and they would soon find him invested with more than their usual prerogatives. He (Mr. Sullivan) came now to the second succession of Holkar, to which he would request the particular attention of the Court. On the death of Khunda Rao, the adopted son of Mulhar Rao, the Governor-General intimated his intention of striking "out an entirely new line of policy," the object of which was, if possible, the immediate confiscation of the Holkar territory for the benefit of the British Government, or, if that were not practicable, the eventual confiscation of that territory. A preliminary step was to get rid of all the heirs and claimants to the succession upon the first vacancy. Lord William Bentinck had intimated his readiness to recognize any succession that was consonant to the wishes of the people. Hurree Rao, the next in blood to Mulhar Rao Holkar, and who had in 1834 ousted Martund Rao, the adopted son of Mulhar Rao, was succeeded in 1843 by his adopted son, Khunda Rao, whose title was immediately recognized by the British Government. Khunda Rao died in 1844 without issue, and without having made any adoption, and this event gave rise to a more open display of those pretensions which were put forth on the occasion of the last succession by adoption in the Scindia family. Heretofore it had been a generally recog-

nized principle that under no circumstances could these principalities lapse to the British Government; that, in failure of heirs by blood or of adoption by the reigning prince, his widow had the right to adopt; and that, in failure of the exercise of this right, and of heirs altogether, the chiefs and people were at liberty to make such provision for the succession to an "absolute and despotic monarchy" as should be most agreeable to the general wish. "We were not," said Lord William Bentinck, Governor-General, when the throne of Holkar was vacant by the death of Mulhar Rao, "prepared to pronounce upon the relative superiority of these claims. The decision upon them may be fairly left to the voice of the country, and our duty will be to maintain whatever arrangement may be unequivocally consonant to the general wish." Now contrast the language of Lord William Bentinck on the first vacancy with that of Lord Auckland on the second. When the Resident, in reporting the precarious state of Hurree Rao's health, intimated that it would become a question for the British Government to decide who should succeed to the Holkar state, Lord Auckland expressed his determination to be guided in the matter of the succession by the usages of the Holkar state. These were Lord Auckland's words:— "His Lordship in Council would also authorize you to recognize an adoption of a son duly made by the Maharaja, or by any other person whom he may authorize for that purpose, and who may be competent to exercise such a trust under the customs of the Holkar and other Mahratta sovereignties." Such was the language of Lord Auckland in the latter part of 1841. Now contrast that language with the language of Lord Ellenborough in 1842. Lord Ellenborough said—"In our despatch of the 23rd of March last, we announced to you the demise of Khunda Rao, the young chief of Indore. By this event the Gadee of the Holkar state was rendered vacant, there being no person with any legal claim whatever to succeed, and there being no one possessed of a legitimate title to adopt a successor. When there is no person having the shadow of an hereditary claim to succeed to the Gadee of a native state, and no person possessing a legitimate title to adopt, and where, moreover, that state itself is comparatively of modern origin, owing its existence to a conquest made by predatory troops, it must always remain a question how far it may be expedient to maintain the separate existence of that state for the benefit of none but the intermediate followers of the court." Here was a proclamation that there were no heirs to the Holkar state. Why were there no heirs? In reporting the death of Khunda Rao, the Resident had repeated that the arrangement for the succession, which would be most agreeable to the people, would be the recall and re-establishment of Martund Rao, the adopted son of Mulhar Rao, who had been ousted by the heir of blood of Mulhar Rao; and the Resident was informed that the Governor-General "would regard with extreme displeasure any attempt to put forward in any manner the pretensions of Martund Rao." The anxiety thus manifested to dispose of Martund Rao arose from the fact that, as the hereditary sovereign, he would have had a right to perpetuate the succession by adoption, and thus would have marred the plan of the Governor-General. Having thus, by ana ct of power, rid himself of all the heirs, the Governor-General proceeded to proclaim himself heir, and, as such, assumed the right to dispose of the succession as he might think fit; but he first put forth a feeler to ascertain whether he could at once take possession of the territory. He directed the Resident to feel the pulse of the people, but the reply of the Resident being unpropitious, the Governor-General was obliged to pause, and he intimated to the Resident his willingness to recognise the adoption that might be made by the head of the Holkar family. The Resident informed the Holkar family that such was the will of the Governor-General, and the widow immediately made an adoption, who was instantly placed on the throne without reserve or restriction of any kind.—(Hear, hear!) Now,

this untoward precipitancy, as it was called, of the Resident carried consternation into the camp of the Governor-General, and he was written to in these terms :—

" You were authorised, if no grave reasons should, upon inquiry, appear to you to exist to dispose the Governor-General in Council to thwart the Mah Sahibeh's wishes in favour of Bhow Holkar's second son, to inform Her Highness that the Governor-General in Council, having taking into consideration all past occurrences, and the present position of the Holkar state, had formed the conclusion that it was most for the benefit of the state that the younger son of Bhow Holkar should succeed to the Gadee, but you were only authorised to make this communication after inquiry. You were only authorised to make it to the Mah Sahibeh herself; you were not authorised to make a public communication to this effect in durbar; still less were you authorised in durbar to explain the desire of the British Government to perpetuate the Holkar state, or to speak of making a selection from amongst those who were eligible, or to refer to the Mah Sahibeh's having pointed out the younger son of Bhow Holkar, or to refer to the great respect of the Governor-General for the Mah Sahibeh as the motive which had induced the British Government to place that boy on the Gadee.

" You were not authorised to say anything which could by possibility be held to bind the British Government to the adoption of a course similar to that now adopted, in the event of a similar vacancy of the Gadee; you were in no respect to bind up the hands of the Government for the future; you were not to use any expressions which could by possibility be interpreted as conveying the sanction of the British Government to an adoption of a successor to the Gadee by the Mah Sahibeh. The Governor-General in Council would fain hope that you left upon the minds of all the impression that the younger son of Bhow Holkar was placed upon the Gadee by the mere will of the British Government." Now the Governor-General goes on to say, elsewhere—

" It is not necessary now to advert particularly to the intentions which were entertained by the Governor-General in Council with regard to the nomination on this occasion of a successor to an extensive independent principality, left without a legal heir, and of the mode in which it was proposed to mark the difference of the position in respect to the paramount state of the chief of its selection, from one who might succeed in due course to the Gadee of his ancestors.

" The opportunity of marking an important line of policy has been lost to the Government by your proceedings on this occasion; for in the face of what you, as the representative of the British Government, and in its name, have done, as above described, it would be, the Governor-General in Council considers, inconsistent to offer to the young chief a sunnud of appointment, and to demand from him a nuzzur, the mark of subordination and dependence."

Now, the Resident, in order to reinstate himself in the good opinion of his superior, proposed that the Governor-General should write to the young Raja an intimation that he sat upon the throne as the nominee of the British Government with limitation only to the heirs male of his body. This was accordingly done, and now Governor-General Hardinge appeared upon the scene, who wrote to Tookajee Holkar in these terms :—

" Having an earnest desire to promote the interests of the chiefs and people of the state, and to preserve the honour and prosperity of the principality, the British Govern-

ment determined on this occasion to make such an arrangement as would conduce to the accomplishment of these ends, and would at the same time, it was believed, be agreeable to the feeling of the remaining members of the family of the late Hurree Rao Holkar, and of the chiefs and nobles of the principality.

"Actuated by these motives, I was induced to direct the British Resident at Indore to nominate your Highness to the occupation of the vacant Gadee."

Again he says :—

"It is the intention of the British Government, in thus bestowing on your Highness the principality of the Holkar state, that the chiefship should descend to the heirs male of your Highness's body lawfully begotten, in due succession, from generation to generation."

Now, here they had the Governor-General absolutely giving away the principality of Holkar, with as much *sang-froid* as if it were his own estate. How, then, did the Governor-General acquire the right of disposing of it in this manner? They were connected with the state by treaty. In 1804, they first came into contact with it. They came into contact with Jerwut [? Jeswunt] Rao Holkar in 1805, when they made up the difference by treaty which bound them to continue in perpetual friendship with the Holkar state. In 1816, they came in contact with his successor, and, after stripping him of half his possessions, they made another treaty with him by which they granted him absolute possession of his territory, whether he had heirs or no, and they had no more right to dispose of it in the manner they did, than they would have to dispose of the kingdom of Denmark if the present king died without heirs. He had told them the object of the Governor-General in setting aside Martund Rao and all his heirs to the Holkar state. Let him now show them what was the pretext for all this. The British Government having in the first instance recognised Martund Rao, the adopted heir of Mulhar Rao, and afterwards having recognised his heir by blood, Hurree Rao, and in succession to him Khunda Rao, it would have been *inconsistent*, the Governor-General said, to have recognised Martund Rao a second time. Now, he asked them, which was most conspicuous in these transactions—their enormous [in]justice or their odious hypocrisy? The next proceeding was to declare themselves the rulers, lords paramount of the state, and to degrade the once powerful sovereignty of Holkar into the position of a jugadeer, limiting the succession to heirs male of the body, and thus depriving the sovereign of the valuable privilege of adoption which he had previously enjoyed.—(Hear, hear!) This was done under the usual profession of scrupulous good faith. The British Government informed the Holkar of its earnest desire—

"To promote the interests of the chiefs and the people of the state, and to preserve the honour and prosperity of the principality, by making such an arrangement as would conduce to the accomplishment of those ends, and would at the same time be agreeable to the feelings of the remaining members of the family—and of the chiefs and nobles of the principality."

He was happy to say that the parties engaged in that discreditable attempt to rob a native sovereign of his rights had over-reached themselves, and the young Holkar was placed on his Gadee without any restrictions whatever.—(Hear, hear!) It was an afterthought of the Governor-General to write him a letter, telling him that he sat on the throne as the nominee of the British Government; but it was too late, and he now sat

there enjoying all the ancient rights of his state.—(Hear, hear!) Having thus stated to them fifteen or sixteen instances where the sovereigns of India had exercised independent rights of succession, without the British Government having put forward any pretentions to question such rights, but by and with the consent of its formal recognition of the right, he felt that he had said enough to justify the adoption of his resolutions.—(Hear, hear!) He need hardly point out to them the wide distinction between the right to recognise or to refuse the recognition of the title of a particular individual, and the right to interdict or allow the right of adoption; for instance, they might properly refuse to recognise the succession of a particular person from political motives. They might have refused to recognise Napoleon as the sovereign of France, just as Louis XIV. refused to recognise William III. as sovereign of England.—(Hear, hear!) But the refusal to recognise the adoption here stood upon a very different footing. The distinction he had mentioned was clearly stated in a speech of a right hon'ble friend of his made on a former occasion, whose absence from sickness he much deplored, as he was quite sure these resolutions would have had his cordial support. He said—

"And, Sir, this brings to my mind an important distinction to which it is necessary to advert. I freely admit that in all cases of adoption, where there is a dispute as to the succession, the sanction of the paramount power is necessary. And why? Because we have taken upon ourselves, and we are entitled to take upon ourselves, the task of maintaining the peace of all subordinate states in India. In such a case our sanction is requisite for the purpose of declaring that the thing is legal and regular, that rights have not been violated, that the feelings of the people have not been outraged, and that your own just rights have not been set aside. But in such a case, your sanction is in its nature a judicial sanction given to prevent or settle disputes. You are bound to give it to the rightful claimant, just as you are bound to acknowledge the rightful heir; and the fact that it is sought, no more entitles you to withhold it, than the appeal of parties entitles a judge to appropriate to himself the thing litigated."

With this stream of precedents before them, of sovereigns of all classes having exercised independent rights of succession by virtue of the law and custom of India, he was entitled to ask them—and he had a right to expect an explicit answer—how it came about that when they determined to bar the Rajas of Sattara and Colaba the right of succession by adoption, they said they were warranted in doing so by the laws and customs of India?—(Hear, hear!) These were their words—

"Concurring with you in opinion, we are satisfied that, by the general law and custom of India, a dependant principality, like that of Sattara, cannot pass to an adopted heir without the consent of the paramount power; that we are under no pledge, direct or constructive, to give such consent."

Now, the Directors said they were satisfied, and the Court of Proprietors had a right to know what it was that satisfied them. They had a right to ask when they were satisfied. He demanded to know when it was that this stream of light first broke upon them, scattering away all the darkness in which they appeared to have been enveloped for twenty-five years?—(Hear, hear!) They said "concurring in this *opinion*," but they did not say what that opinion was, and it would therefore become his duty to endeavour to pin them down to the opinion expressed by the Governor-General, which they said they concur in. In the first place, then, he would ask whether they concurred in this opinion?—

"I hold it to be established as a general rule, beyond cavil or doubt, in the papers

now before us, that, while adoption by a prince of any individual is valid, so far as to constitute him heir to the adopter's private possessions, it is of no power or effect whatever in constituting him heir to the principality, or to sovereign rights, until the adoption has received the sanction of the sovereign power, with whom it rests to give or to refuse it."

Now, here they had positive proof of the criminal ignorance with which this important question had been discussed. Here they had the Governor-General asserting it as an established rule, admitting of no cavil or doubt, that no sovereign prince in India had a right to adopt—that they had a right to refuse or to sanction the adoption; but had the Governor-General been in possession of the papers which he (Mr. Sullivan) then held in his hand, he would have seen that this established rule came in direct contact with the rule laid down by his predecessors, and by which it was acknowledged that every sovereign prince had a right to adopt, and that we had no option but were *bound* to acknowledge the right. Now, if the Directors were in unison with the opinion of the Governor-General, they were in direct opposition to their former opinions.—(Hear, hear!) But perhaps they had changed their minds; perhaps they were now of opinion that no sovereign prince in India had a right to adopt a successor. Let him give them their own words:—

"If the Raja were created a sovereign, in the ordinary acceptation of the term, he was unquestionably competent to appoint a successor to his royal rights, as well as an heir to his personal property."

This was an unqualified admission, on their part, that *all* sovereigns in the ordinary sense of the word, that was 99 out of every 100, the exception being the Raja of Sattara, had a right to adopt a successor. But were they really of opinion that none but ordinary sovereigns could adopt? During the government of Lord Auckland, some cases of this nature occurred, and there was a letter of Mr. Maddocks, the Government [of India] Secretary, in which the right was admitted, so far as the Raja of Oorcha was concerned. What said the Governor-General of that day upon the point? Why, this—

"I cannot for a moment admit the doctrine that, because the view of policy upon which we may have formed engagements with native princes may have been by circumstances materially altered, we are not to act scrupulously up to the terms and spirit of those engagements.

"I have referred to our treaty with the Raja of Oorcha, concluded on the 23rd December 1812, and I find that its preamble commences in these words:—'The Raja of Oorcha is one of the chiefs of Bundelkund, by whom, and his ancestors, his present possessions have been held in successive generations during a long course of years, without paying tribute or acknowledging vassalage to any other power.' And the treaty formed with the Raja is designated as one of 'friendship and alliance;' the territory, which from ancient times has descended to the Raja by inheritance, and is now in his possession, being guaranteed to the said Raja, and to his 'heirs and successors.' Upon words so distinct and positive as these, I hold it to be impossible to raise a question, and I am of opinion, therefore, that the Raja of Oorcha must be regarded as one of those sovereign rulers who, according to the very proper rule laid down in the letter of Sir Charles Metcalfe, of 28th October 1837, is entitled to make an adoption, in his own discretion,

which the British Government is bound to acknowledge, provided that such adoption be regular, and not in violation of Hindu law.

"Admitting the right of the Raja, for the reasons which I have stated, to adopt an heir, I am not disposed, after much reflection on the whole subject, to mix up our recognition of that right with the separate consideration of the punishment that may be due to him for unwarranted opposition to the British power."

It was impossible to raise a question about words so distinct and positive as those, and he, therefore, maintained that, if the Directors took up the ground that none but ordinary sovereigns had a right to adopt, they were directly opposed to Lord Auckland's Minute. —(Hear, hear!) But the Directors were now of opinion, with the Governor-General, that heirs and successors meant lineal descendants; but, as Lord Auckland observed in treaties where the words were so distinct and positive as those, it was impossible to raise a question about them. In dealing with these cases, however, the question ought not to turn upon whether the sovereign was an ordinary or an extraordinary one, but what were the rights granted to him by the treaty? Now, precisely such a question as that occurred under the government of Lord Auckland. In viewing this question (says His Lordship), it was by these treaties alone that their relations in India were to be governed. All custom respecting the right of succession became dormant the moment treaties were concluded. They might restrict princes in India by treaty as to the persons whom they were to adopt. They might, for instance, confine the right of succession to the heir male of the body, with a reservation to themselves in case of failure, or they might extend it to those who had no right by birth, and who formed an intermediate class, being neither subjects nor sovereigns. They might, as in the case of Colaba and Scindia, apply the principle of limitation to the heir male, or, as in the sovereignty of Cutch, restrict the succession to legitimate children, excluding all illegitimate offspring. They might extend the succession also if they thought proper to "heirs and successors," meaning thereby heirs and successors generally. Well, then, did they agree with the Governor-General that the state of Sattara was an independent sovereignty? The first paragraph of the Governor-General's Minute stated—"The death of His Highness Shreemunt Maharaj, the sovereign of Sattara, has rendered it necessary for the British Government to determine the important question *whether the state of Sattara shall be continued as an independent sovereignty*, or whether it shall be held to have lapsed to the paramount state, and shall henceforth form an integral portion of the British Empire in India." Here was an express recognition of the Raja of Sattara as an independent sovereign. Now there was only one other point on this subject to which he would call their attention. What, he would ask, was the distinctive mark laid down by writers on international law to distinguish an independent sovereignty? It was this—"When the ministers of two powers, which are of equal rank, sign a treaty, it is usual to make two originals, or a double instrument; each nominates his own sovereign first in the copy which he keeps and signs first, in order that there may be no prejudice to their claims of rank when this is contested." Now, this distinctive mark was to be found in their treaty with the Raja of Sattara. Article 2 ran thus:—"This treaty, consisting of eleven articles, being this day settled and concluded at Sattara by Captain James Grant and Wittul Punt Furnavese, Captain Grant has delivered to His Highness Maharaja Pertaub Shean a copy of the same in English, Mahratta, and Persian, under the seal and signature of the said Captain James Grant, and His Highness Maharaja Pertaub Shean has delivered to the

said Captain James Grant another copy, also in English, Mahratta, and Persian, bearing His Highness's seal and signature." This was a proof that the Raja of Sattara was a sovereign in the ordinary sense of the term, and was equal in *status* and rank to the British Government. It was then, with a perfect knowledge of the subject, that Sir James Carnac, when a proposal was made to him to bring the first Raja to trial, said that by doing so he would "be accused of degrading a sovereign from his acknowledged rank, and offering violence to his feelings and dignity, and of assuming a right of superiority to which we have no claim." He would allude to one other circumstance as another proof of the shameful ignorance with which this important subject had been decided. The Governor-General said—"It was under the clause of that treaty (the treaty of 1818) that the present Raja was called into existence by an exercise of the powers and generosity of the British Government. All the ordinary rights, therefore, possessed by a sovereign over a subordinate and long-constituted state, must, from the very nature of the case, have been stronger in this case than in any other. I can find nothing whatever in the terms of the treaty which would justify the assumption that it was intended to curtail those rights, or to confer larger powers in respect of adoption on the part of the Raja of Sattara than are enjoyed by an old-established state." That was written in perfect ignorance of all that had been done by his predecessors. If he had looked at the proceedings of his predecessors, he would have found that the Raja of Sattara put forth exactly the same claim which had been admitted on no less than sixteen different occasions by all their Governments in India for some years past. He (Mr. Sullivan) would have to ask the Court to agree to another resolution, which was to the following effect:—

"That the rights of succession of inferior chiefs who held their possessions by grants from former Governments, to whose rights the British Government has succeeded, must be determined by the terms of such grants."

The absolute necessity of such a security would be apparent, because when they could prove that a prince was not a sovereign in the ordinary sense of the term, they usually claimed the right to deal with him as if no right existed. Now, what had been the practice with regard to the intermediate class, who, as Sir Charles Metcalfe had stated, were neither subjects nor sovereigns, but who must be dealt with exactly according to the terms on which they held their respective possessions? What was the nature of their engagements with these chiefs, and what was their practice under these engagements? He would take, first, the Sunnud granted by them in 1811 to the Raja of Chickorec, one of the ancient hereditary chiefs of Bundelkund. By that sunnud they made over "the lands and villages enumerated in the subjoined schedule to the said Raja and his heirs, with all their rights and usages, except for payment of revenue to the British Government in perpetuity, so long as the said Raja and his heirs and successors shall observe and remain faithful to the second article of the Ikranamah, the obligation of allegiance." Here was a chief, not a sovereign in any sense of the term, but one owing them allegiance, to whom they had granted lands in perpetuity. When he died, did we pretend to say that the term "heirs and successors" in the grant meant natural heirs? No such thing; he adopted a son to the prejudice of the collateral heirs, and that adopted son was recognised as his successor by the British Government. Now, however, they saw the new doctrine promulgated, that if a chief, let him be whom he may, should happen not to be a sovereign in the mangled sense of the term, then that they had a right to seize upon his possessions.

He would now only trouble them with another resolution, which was as follows:—

"That justice requires that all cases of dispute between the British Government and the sovereigns and chiefs of India who are too weak to resist injustice by war, or the persons claiming to be heirs to such sovereigns, relative to the meaning of treaties and engagements into which they have mutually entered, should be decided on a full and impartial consideration of all the circumstances by a tribunal qualified to investigate the facts and principles involved in the matters at issue."

That resolution naturally grew out of the others, for if a sovereign prince had a right of succession which he wished to establish, it followed, as a matter of course, that there should be some tribunal to which they might appeal in case that right was infringed. They were all perfectly well aware that they could not touch a single rupee or a particle of property belonging to a subject in India without the due process of law; and why should they, in the face of solemn treaties and engagements, take forcible possession of principalities, territories, and sovereignties, and afterwards maintain that the owners of them should have no opportunity for redress? According to the principle they now acted upon, they had only to strike a pen through a treaty and say it meant so and so, and immediately proceed to take possession. They would perhaps allow him to give a few instances in which they had summarily entered upon a state or principality. After the war of Seringapatam and the fall of Tippoo Saib, his territories became divisible between the two belligerent parties—the Nizam and the British Government. They made a partition treaty, by which they engaged to take certain portions on their own account, and to give the remainder to the descendant of the ancient Raja. It was arranged that the descendant should have the aid of a subsidiary force from the British Government, for which he was to pay annually seven lakhs of pagodas, and there was a provision in the treaty to the effect that, in the event of the Governor-General seeing any reason to believe that the funds for the payment of this subsidiary force should fail, he should be at liberty to take possession of a certain portion of his territory. The Raja remained in undisturbed possession until 1831, when the British Government assumed that the resources for that payment were going to fail, or they thought or wished they had such information, and they at once took possession of the whole of the territory. The second instance to which he would refer was the treaty with the Nabob of Surat, by which it was agreed that the civil and military government of his territory should for ever be vested in the East India Company, on the condition that a certain payment was made annually to the Nabob. He found a passage in the diary of Mr. Duncan, the then Governor of Bombay, on the subject, which stated that he had intimated to the Nabob that the security given to him by the East India Company for the punctual payment of this money to himself and his heirs and successors was greater than any he had yet had. But what was the result? The Naboh died; the Government took possession of all his territory, and even refused to continue the pension to his daughter. The third case which he had to bring to their notice was that of the treaty which was concluded with the Raja of Colaba. The Government relinquished all right to the state to the Raja, but they reserved to themselves the power to nominate who among his heirs should be his successor, when [whether] he should be adopted, a collateral, or a legitimate heir; and they also reserved to themselves the right to appoint a successor, in the event of his having no lineal descendants or adopted heirs. The Raja died, and the Government construed the treaty as meaning that he should have appointed a successor, and, as he had failed to do so, they at once

seized upon the territory of Colaba. Was there an example anywhere to be found for such a proceeding? Why; in the case of their little ally, Greece, who stood in much the same relation to us as the Raja did to the East India Company at the time of his death, the public had lately been under considerable apprehension respecting the reprisals which had taken place at the instigation of our Government; but it turned out, from the correspondence which had just been published, that it was only after twenty years' negotiation to obtain our rights that we had felt it our duty to turn round and give the Government of that state a slap in the face. But the East India Company had not so much as intimated to those independent sovereigns to whom he had alluded what their intentions were. Being powerless, they had only to submit, and secretly to curse them, as he thought, in their hearts for the commission of so gross an instance [injustice].—(Hear!) Great importance had been attached to what was called the paramount power; but what did it mean? It could not be denied they were the most powerful state in India, by conquest after conquest; but Bonaparte, whose power a few years ago was so omnipotent, did not crush petty states as they had done. The Government of the United States of America was a most powerful one in America, but it claimed no such privilege as that which the East India Company had arrogated to themselves. The hon'ble gentleman concluded by expressing a hope that the resolutions which he had read would receive the sanction of the Court, observing that it was the solemn duty of allied powers, in cases where any doubt arose as to the meaning of a treaty, to give the benefit of the doubt to the weaker power.—(Cheers.)

C. Colonel Dickinson—

(*Extract No.* 113.)

The resolution having been read, Colonel Dickinson said—I have great pleasure in rising to second the motion of my hon'ble friend Mr. Sullivan, and to express the grateful sense which I shall ever retain of this additional proof of that warm interest and watchful care which he has never ceased to manifest for the welfare and advancement of all classes of our native subjects, and for the preservation, to the principalities in alliance with the East India Company, of those indefeasible and most cherished rights, upon which such fearful inroads have of late years been made, under no other sanction than that of the irresistible means which a succession of military triumphs has at length placed at our disposal, for enforcing such not less impolitic than unjust exercises of an assumed right. After those lucid expositions of the Hindu law and usages as regards succession by adoption, by which this Court has of late been edified, proceeding as they did from many of its most experienced, most enlightened, and best informed members—after the unqualified recognition by the British Government in the fifteen cases so pertinently quoted, and so ably commented upon by the mover of these resolutions, in practical illustration of the inviolability of the rights thereby conveyed,—unwilling as I feel to occupy the time of the Court by any further citations of a like tendency, there is one so remarkable from the pre-eminent authority on which it rests, and from the important result to which it led, that I do not think, on such a review, it should pass unnoticed. I allude to the case of the tributary principality of Kurnoul on the death of the Nabob, in the year 1821, without male heirs, and to the memorable Minute by the late Sir Thomas Munro, fully concurred in by Lord Hastings, which was to the following effect:—

"I think we have no right to meddle in the affairs of Kurnoul on the pretence of maladministration or the sufferings of the people, or on any other grounds than those

of securing our own rights of pescush and military service, and the peace of our own districts. I think we ought to wait quietly for the Nabob's death, and to acknowledge for his successor the person of his family who by his choice, and the support of his officers, may be enabled to assume the government."

Upon this case, Mr. Chairman, too much stress cannot be laid, from its having led, after three years' consideration, to the authoritative adoption of a fixed principle by the Court of Directors for the future guidance of the Government of India. Your Hon'ble Court, on the review of a similar transaction elsewhere, so long back as the year 1819, thus disposed of the question of succession by adoption in your letters to Bengal, dated 1824, which direct as follows:—"It does not appear to us that the treaty of Bhopal affords a warrant for all this interference; it is not provided by that treaty that you shall have either the power of interfering with the appointment of a Nabob, that of choosing a minister, or that of dismissing any of the Nabob's attendants." Can, gentlemen, language be stronger, confirmatory, except when by treaty it is otherwise expressly provided for, of the absolute right of every native principality to provide for its own successor? It remains for me to point out that this disavowal by the first authorities, both of England and India, of all claims on the part of the East India Company to interested interference with the usages of succession in default of male heirs in the direct line, among our dependent and tributary states, is in perfect unison, not with the speculative opinions, but with the well-founded convictions of all your most eminent Governors and statesmen from the date of our earliest alliances with the native powers. Warren Hastings, so long back as 1774, thus expresses himself:—

"The general principle upon which we have acted, and which we mean to make the rule of our future policy and conduct, is, no other than that which your authority and that of the Legislature have equally prescribed to us, to maintain peace in India. The preservation of power necessarily includes the vigorous defence of your possessions with such parts of the dominions of your allies as are guaranteed by treaty; it excludes every idea of conquest, much less could we suffer the small states which look up to you for protection to be swallowed up by the great ones."

In the same unmistakeable language the late Marquis of Wellesley, thirty years afterwards, thus expressed himself:—

"Every principle of true policy demands that no effort should be omitted by the British Government to establish a permanent foundation of general tranquillity by securing to every state the free enjoyment of its just rights and independence, and by frustrating every project calculated to disturb the possessions or to violate the rights of the established powers of Hindostan and of the Deccan."

After a lapse of nearly forty years, the same distinguished nobleman thus expresses himself:—

"No further extension of our territory is desirable in India, even in the event of war for conquest, if that could be justified or were legal, as the law most wisely stands." While, as regards some other meditated innovations in Bengal, he has enjoined in the same letter, "*quieta non movere.*"

That pre-eminent statesman the Hon'ble Mountstuart Elphinstone, when interrogated by

the Legislature thirteen years after our conquest of the Mahratta Country, thus replied:—

"It appears to me to be our interest as well as our duty to use every means to preserve the allied governments; it is also our interest to keep up the number of independent powers; their territories afford a refuge to all those whose habits of war, intrigue, or depredation make them inseparable [unsufferable] of remaining quiet in ours."

After an avowal, gentlemen, of these sentiments, can an iota of doubt be entertained in the mind of any reasonable man what would have been the result of a reference to such prescient authority regarding the recent annexation of the Sattara territory? That practical and far-seeing statesman, and that best of friends which the natives of our own territory, as well as the principalities of India, ever had, the late Sir John Malcolm, thus expresses himself in their behalf, when on the same occasion interrogated:—

"The wars to which we have been compelled from our condition have left us sole sovereigns of this vast territory, but they have involved us in great, though not irretrievable embarrassment; the pressure of financial difficulties recommends every measure which promises immediate relief, but that to be permanent must be sought, not in the future annexation of territory, but in the improvement of what we possess, and in the general revision and reduction of our establishments. To enable us to effect these objects, we must not cast away one iota of good feeling or motive for allegiance that exists, or which we have a prospect of creating in the minds of our native subjects. We must maintain to the utmost of our power the higher orders of the community, for, on their being conciliated to our rule, the future peace of this empire must greatly depend, and with it our power to lessen the expenses of its government. . . . . We cannot admit our right to carry the privilege of giving advice, and a modified interference, stipulated by treaty, to go under any circumstances short of hostilities, extreme public danger, or the violation of faith, to the establishment of a right to assume the government of the country, with the power of which our treaties are contracted."

In a letter to the Court of Directors, of the 25th April 1827, on the occasion of his leaving England to take upon himself the government of Bombay, the same distinguished officer, in accordance with the views of those high authorities before cited, and aware of the corresponding sentiments of those to whom he was addressing himself, thus again states—

"The petty states can cherish no hope of resisting the power of the British Government of which they are the tributaries and dependants; and if we can succeed in placing their minds at repose as to the continuance of their power over their respective tribes and territories, I have no doubt but that, by their gradual reform, we may establish a system calculated beyond any we have yet adopted to give permanence to our power, and to reconcile the upper as well as the lower ranks of society to our government." That experienced officer and political functionary, Colonel T. Munro, thus expresses himself on the all-important matter under discussion:—

"The mode and extent of our interference must depend upon the circumstances and character of the allied princes and governments, and must rest very much on the judgment and discretion of the British Resident and Government. To procure the choice of an able and active Minister, and to guide and support his proceedings, will often be the policy of the British Government, connected with assiduous endeavours to concentrate and maintain the

dignity of the prince. Justice and policy equally dictate the necessity of avoiding every occasion that might lead us to take territorial possession of the dominions of any of the allied states; for it is of high importance to retain these native governments, on the ground, without reference to other reasons, of their giving situations of trust, emolument, and dignity to the natives in general, and especially to the higher classes of them."

Upon such an occasion, I am not less unwilling to omit what has been prominently noticed by that most experienced and most distinguished of your public servants in the political department both in the Councils of England and India, the late Mr. N. B. Edmonstone, who thus expresses himself:—

"It must be our endeavour to conduct our relations with the allied states as much as possible in subserviency to the professed principle of their foundation. We must endeavour to render the chiefs what in words and by our treaty we recognise them to be, the absolute rulers of their country."

Though last not least, that distinguished historian and political functionary, the late Colonel Tod, thus expresses himself on the same occasion:—

"If the impression should become general—if no method be devised to convince the Rajpoot states that ultimate appropriation is not our object, what can we expect but the conversion of our best friends into our bitterest foes?"

Such, gentlemen, are the authorities on which this appeal is now made to your sense of justice, for the adoption of some legislative enactment, for arresting the progress of encroachment upon the hereditary and indefeasible rights of the tributary and dependent states with which we formed alliances. Upon an occasion like the present, I could not but feel it a duty incumbent upon me as a member of this Court to come forward in their behalf. I have done so, gentlemen, actuated by no factious spirit of hostility towards our respected executive. I have done so with a view, not of lowering but of elevating the reputation for moderation and good faith of the British Government. I have done so, gentlemen, with the view of arresting those to whom such a large share of their [? our] authority is delegated, in a career of harshness, selfishness, and injustice, which has so shaken the confidence of every principality throughout India in our probity and honour, and every where created the greatest alarm and anxiety, lest a similar fate to that which has befallen the Sattara dynasty should await them and their families.

d. Mr. Mathew Clarke—

(*Extract No.* 114.)

Mr. Mathew Clarke thought the hon'ble gentleman (Mr. Sullivan) had been fully justified in bringing this subject before the Proprietors, because it involved the great question of adoption on the part of the native princes of India, according to their religious usages. He thought it was exceedingly important that they should review their proceedings with respect to the past, as a security for the future; and that they should be exceedingly circumspect not to interfere with the right of adoption—a course which would certainly put down the moral influence of their cause in India.—(Hear!)

Mr. Sullivan, in finally replying, again thus expressed his views—

(*Extract No.* 115.)

Mr. Sullivan replied—In the face of this Court I venture to ask whether a single fact I have stated in the course of my long address has been answered, or whether a single argument of mine has been controverted.—(Hear, hear!) The object of my first resolution was to deny that you could exercise any right or privileges over the sovereign states of India which do not belong to you under the general law of nations or by treaty. My next resolution declares that the native princes of India have independent right of succession regulated by local usages, and that I have proved by stating to you a series of instances of adoption spreading over a period of twenty years. My third proposition is, that those who are not sovereigns should have their rights determined by the terms of the grants from their superiors. My next proposition has reference to the subject of disputes between yourselves and your allies.—(Hear!) I propose that those disputes should be determined by some competent and impartial tribunal.—(Hear!) I have been asked what I consider an impartial tribunal; but you know yourselves what I mean.—(Hear!) You know that we are not the impartial parties to decide disputes, and to prove this I need only recall to your recollection what you did in the Sattara case.—(Hear!) But, says the Chairman, can you have a better authority to refer to, or a more impartial tribunal than that which is composed of members of the Council. Why, that very Council recommended the confiscation of Sattara. Now, if the case of Sattara has been introduced by implication, it is not my fault, since the object of my proposition is not to re-open the Sattara controversy, but to prevent there being a dozen Sattara cases.—(Cheers!) Here are two volumes of your treaties made with the native powers of India—there are some 400 or 500 treaties in all by this Company; and when you find the Governor-General proclaims to the public that it is his intention to deal with every treaty precisely as he has done with the Sattara treaty, I think it is time to lay down the principle that lineal descendants do not necessarily mean heirs male.—(Hear, hear!) And yet that is precisely what has been hinted at. But I can tell you that, if an opinion of that sort were to be pronounced from the chair, your territories would not be worth twenty years' purchase.—(Hear, hear!) Now, my resolution has exposed the declaration of the Governor-General. Then he says this much—that he means to deal with all the powers with whom you have an alliance in the manner I have mentioned, and I want you to determine whether you will sanction it or not.—(Hear, hear!) Now, the proposition I have made to you is of a practical character. Admit its principle, and you will not have the least difficulty in the world.—(Hear, hear!) You have the Judicial Committee of the Privy Council, and why not refer disputes to them?—(Hear, hear!) If you have a dispute with the Raja of Burdwan, or any other of your subjects, he brings you before the Committee of the Privy Council, and the Judicial Committee of the Privy Council, therefore, is a fit and proper tribunal to which to refer these treaties. You have no right to take them up one by one, and say the meaning is so and so, and that is my interpretation.—(Hear, hear!) Now, that is precisely what you have done in the Sattara case; but I tell you distinctly that the object of my resolution is not to open up the Sattara question, but to prevent the occurrence of a hundred dozen of Sattara cases.—(Cheers.) That is my distinct object, though in the Sattara case there cannot be the slightest doubt as to the meaning of the treaty; and in proof of its necessity, need I state any other fact than that, when it was proposed to refer for the meaning of the treaty with Sattara to him who made it,—

Mr. Elphinstone—that reasonable proposition was denied, and that you turned a deaf ear to all Mr. Frere's importunities that you would not disinherit all the heirs, or who claim to be such, to the principality, without giving them a hearing? If, therefore, I hold up my hand singly in this Court, I shall vote for the resolutions being put, in order that they may be entered on your records.—(Cheers.)

The resolutions were then put and negatived *seriatim*, the Chairman moving the previous question in each instance.

29. I submit below an extract touching the Sattara State, published on the 29th April 1850 in that day's issue of the *Evening Sun*—

(*Extract No.* 116.)

A question of the deepest and most vital importance to the tranquillity and security of the Anglo-Indian Empire will to-morrow evening be brought under the consideration of the British Senate. Sir Edward Colebrooke has given notice that he will then move for a "Select Committee to inquire into the rights of succession of the allied and dependent princes of India." Every exertion will unquestionably be made to avoid discussion, and to get rid of the inconvenient topic by a side-wind. The ordinary *ruse* of "counting out of the House" will, if possible, be resorted to, and we would emphatically warn the chosen representatives of the people in due time of the intention, in order that they should attend in their places on the occasion, and that they should not, by their culpable negligence and apathy, permit the august assembly of which they are members to be brought into contempt and disrepute by the success of an expedient so stale and paltry.

It is the noblest characteristic of the British Parliament that it is ever ready to attend to the remonstrances of the oppressed and injured, however lowly and humble, that every well-founded complaint shall receive an anxious and attentive consideration. Any alleged violation of the existing laws, or any acknowledged deficiency therein, to meet a particular case, will be fully investigated, and ample justice done to the aggrieved parties, and this, not only where they have received actual damage, but where there is reasonable cause to suppose that such may be inflicted at any future period. The love of justice is deeply implanted in English hearts, and nothing will more powerfully excite the public indignation than any indifference to that sacred principle. If "might could prevail over right" on any occasion, or under any circumstances, the constitutional rights and liberties of the community would be seriously endangered. But so long as the dictates of honour and integrity are respected in the Legislature—so long as everything in any degree savouring of tyranny and oppression be sternly and firmly repressed—so long will the chosen representatives of the people be rewarded by the respect and admiration of their respective constituencies—so long will they maintain the high position they have attained, as the first deliberative assembly in the civilized world.

The parties now claiming justice at their hands, now appealing from the partial and prejudiced decisions of the Board of Directors, are, however, no mean or helpless body whose entreaties could be despised or rejected with impunity. They are the sovereign chiefs and princes of India, wielding despotic authority within their own dominions—powerful for good or evil, and capable of being useful allies or formidable enemies. Individually they would be incapable of resisting the British force, and, separated and

divided by mutual suspicions, would fall easy victims; but if once their fears are excited for their common safety, if once united by a sense of general danger from the unjustifiable aggressions and grasping policy of the Anglo-Indian Government, a combined and determined opposition may be organized that would imperil the very existence of our Oriental dominions, and which, under the most favourable circumstances, must occasion sanguinary and expensive wars, more injurious to British interests than any territorial aggrandizement or increased revenue could possibly compensate.

This appeal to the ultimate tribunal has not been made until every other resource had been exhausted. Repeated remonstrances have already been addressed to the Court of Directors and to the Proprietors of East India Stock by some who have rendered the most important services to the Company, and who have acquired large fortunes and great experience during prolonged residences in Hindostan. For the last few years, since the erroneous and mistaken line of policy now complained of was first entered upon, Mr. J. Sullivan and many efficient and distinguished coadjutors have let slip no opportunity of exposing the "career of harshness, selfishness, and injustice which has shaken the confidence of every principality throughout India in British probity and honour," and of endeavouring "to arrest the progress of encroachment upon the hereditary and indefeasible rights of the tributary and dependent states, with which we have formed alliances;" but in vain. The magnates of Leadenhall-street have opposed a stubborn and pertinacious resistance to every attempt to awaken them to a sense of equity. They have endeavoured to meet the powerful cases, to which their attention was directed, with sneers and ridicule, and have passed by, as utterly unworthy of notice, arguments which they were incapable of answering or rebutting. In this most injudicious course they have, we regret to say, been sanctioned and supported by a majority of the Proprietors, who flippantly decided on questions of the nature and merits whereof they were wholly ignorant. In this manner were the claims of the cruelly-persecuted and deeply-injured Pertaub Shean, and of his youthful heir and successor, the *de jure* Raja of Sattara, slighted and set at nought, and the usurpation of his dominions by his affectionate friends and faithful allies, the Hon'ble Company, sanctioned and confirmed. In this manner have resolutions been passed by which the Company "virtually asserted its right to confiscate for its own benefit the territories of any native prince of India whom it should have pronounced to have died without heirs." They have thus directly invaded one of the most sacred customs and highly-cherished privileges of Hindu law. They have refused to recognize the "right of adoption," which was never controverted until within the last few years, and to claim, the old feudal rights of lords paramount over independent sovereigns, with whom they have entered into solemn treaties to succeed to the sovereign inheritance on the failure of direct heirs of the blood. The treaties are thus openly violated and set at nought, or, what is almost tantamount thereto, the more powerful party claim to interpret the disputed clauses, and to take part as prosecutors and judges in their own cases.

It is, as we have said, but recently that this monstrous doctrine has been promulgated. The entire tide of precedents had formerly flowed the other way. But in 1848 the subject was again brought under the notice of the Supreme Government at Bombay, who dealt with the matter as if it were entirely new, overlooking all former decisions on similar points. This extraordinary judgment was approved by the Directors, and subsequently confirmed by the Court of Proprietors, specially convened for the purpose. It has naturally excited the deepest and most painful sensations in the minds of the native

powers, who are equally astounded and enraged at the audacity and injustice of these iniquitous pretensions. They had previously seen similar questions mooted, but in fifteen out of sixteen cases that had occurred between the years 1826 and 1846, the decision had been in accordance with equity, and diametrically opposed to the more recent assumption, which, indeed, was never put forward until the accession of the Earl of Ellenborough to the Governor-Generalship of India. Many statesmen had previously used the clearest and most intelligible language in speaking of the rights of the native chiefs and princes. Indeed, the doctrine was so fully recognized, that even where the party had been guilty of grave offences, the innocent heirs were not punished, or held in any degree responsible for the criminal acts of their "adoptive fathers." None had spoken more distinctly and more unequivocally upon this topic than the late lamented Earl of Auckland. That distinguished nobleman had used these remarkable words respecting the case of the Raja of Oorcha, in which the broad principles on which the British Government in India should ever act were fairly and lucidly explained :—

"I cannot (said the Governor-General), I cannot for a moment admit the doctrine that, because the view of policy upon which we may have formed engagements with native princes may have been by circumstances materially altered, we are not to act scrupulously up to the *terms and spirit* of those engagements."

And again :—

"I have referred to our treaty with the Raja of Oorcha, and I find that its preamble commences in these words :—'The Raja of Oorcha is one of the chiefs of Bundelkund, by whom, and his ancestors, his present possessions have been held in successive generations during a long course of years, without paying tribute or acknowledging vassalage to any other power.' And the treaty formed with the Raja is designated as one of 'friendship and alliance,' the territory, which from ancient times had descended to the Raja by inheritance, and is now in his possession, being guaranteed to the said Raja, his heirs and successors. Upon words so distinct and positive as these, *I hold it to be impossible to raise a question*, and I am of opinion, therefore, that the Raja of Oorcha must be regarded as one of those sovereign rulers who, according to the very proper rule laid down in the letter of Sir Charles Metcalfe, of 28th October 1837, is *entitled to make an adoption in his own discretion, which the British Government is bound to acknowledge, provided that such adoption be regular and not in violation of Hindu law!*" * * * * Admitting the right of the Raja, for the reasons which I have stated, to adopt an heir, I am not disposed, after much reflection on the whole subject, to mix up our recognition of that right with the sapient consideration of the punishment that may be due to him for unwarranted opposition to the British power."

These were the views of an able and honest statesman, of one who occupied, at various periods, no inconsiderable positions in the national councils, and one who enjoyed the respect and confidence of his colleagues in the Ministry at the period of his lamented death. But these just principles are now wholly disregarded and despised by the East India Company.

To those who desire full information on all the cases, we would commend the admirable speech of Mr. Sullivan to the Proprietors of East India Stock, on the 17th April, which was fully reported in the *Sun* of the 19th instant. That talented gentleman indeed

brought forward an immense mass of information on the occasion, and the clearest and most unanswerable arguments in favour of the conclusions at which he had arrived. Nothing was omitted that could be desired; but, as we have already stated, the Proprietors supported the Directors in the unjust and injudicious line of policy which they had determined on following. Nothing, therefore, remains but an appeal to the honour and integrity of the Imperial Parliament, and that appeal will be made to-morrow evening. No immediate decision will be asked for. It is not desired that members should pronounce final judgment upon a question respecting which many must be in comparative ignorance; but inquiry—full and ample inquiry—is demanded, with a view to future legislation; and we cannot suppose that such a request can be rejected by a body of unprejudiced and honourable gentlemen.

33. A letter written to the Marquis of Dalhousie, Governor-General of India, by Mr. John Sullivan, and published on the 2nd May 1850 in that day's issue of the *Evening Sun*, is as follows :—

(*Extract No.* 117.)

TO THE MOST NOBLE THE MARQUIS OF DALHOUSIE, GOVERNOR-GENERAL OF INDIA, &c., &c.

My Lord,—In your Lordship's Minute of the 30th August 1848, in which you assign your reasons for refusing to recognise the adopted son of Appa Sahib, late Raja of Sattara, as his successor in that principality, you assert it "to be established as a general rule, beyond cavil or doubt, that while adoption by a prince of any individual is valid so far as to constitute him heir to the adopter's private possessions, it is of no power or effect whatever in constituting him heir to the principality, or to sovereign rights, until the adoption so made has received the sanction of the sovereign power, with whom it rests to give or to refuse it." And your Lordship states that it was exclusively from the papers then before you—that is, upon the Minutes of the Bombay Government—that you came to that conclusion.

Now, the principle thus announced by your Lordship is of the highest importance, not merely because it constitutes the foundation of your resolution regarding the unhappy Sattara dynasty, but far more, because, if maintained, it will necessarily lead you to a similar decision as to the numerous principalities of Central India—a decision, I confidently assert, utterly at variance with justice and good faith, fatal to the moral strength of the British name, rendering the most solemn treaties of the East India Company a snare and a mockery, and justifying, if it do not occasion, among many millions of a brave and warlike people, a feeling wholly destructive of all security for the peace, not to say the existence, of our Indian Empire. You adopted this principle, while yet new to Indian affairs, exclusively on the authority of those on whose judgment you might then not unnaturally rely, but of whose qualifications to advise the Supreme Government in such a case, you now doubtless are more accurately informed, since it seems probable that the immediate pressure of current business, that admitted no delay, may have prevented that careful research into the subject which you would otherwise have directed. But, above all, since your Lordship can no longer be ignorant that the rule, which you considered to be established beyond "all cavil or doubt," is in direct conflict with the deliberate and often reiterated judgment of your predecessors, I feel that, humble as I am, I need offer no apology for thus publicly calling upon you carefully and candidly to revise the

conclusion which you have so unhappily and (with all respect, I must say it) incautiously adopted.

I make this call with the more confidence, because in the Minute to which I have referred, while grievously mistaking the real merits of the question before you, you nevertheless announced the wholesome general principle that "the British Government is bound in duty, as well as policy, to act, on every occasion of acquiring territory or revenue, with the purest integrity, and with the most scrupulous observance of good faith, and that, where even a shadow of doubt can be shown, the claim should at once be abandoned;" and I will not insult you by questioning for a moment the good faith in which this avowal was made, however much I may feel astonished that it should find a place in such a document, and however strongly it may evince that the fairest intentions and the highest talents may fail to secure their possessor from being guilty of gross injustice when combined with despotic power. But, accepting this declaration in its plain and simple meaning, and utterly rejecting the notion that it can be a mere cover for designs of violence and spoliation, I entreat your Lordship to observe that the papers, which have lately been printed by order of the House of Commons, demonstrate, in the clearest manner, that the rule which your predecessors pronounced to have been established "beyond all cavil or doubt," and upon which they repeatedly acted, was that *every* sovereign prince in India has an inherent right to adopt a successor to his sovereign rights, and that the British Government is as much bound to recognise such right, as a judge is bound to enforce the law, without any, the slightest pretence to the power of arbitrarily withholding the right which it confers upon those who sue for its protection. You will accordingly find that, in conformity with this rule, your predecessors, Lord Amherst, Lords W. Bentinck, Auckland, and Metcalfe, recognised, between the years 1826 and 1846, seven adoptions made by reigning sovereign princes, and seven made either by the widows or mothers of deceased princes. Furthermore, in one instance, where there was an entire failure of heirs, a succession, made by election of the chiefs and people of the state, was instantly recognised, in accordance with a rule which had been laid down by Lord Metcalfe in October 1837, and adopted by the Government of India of that day, *viz.*, "That where there is a total failure of heirs, it is probably more consistent with right that the people should elect a sovereign, than that the principality should lapse to the paramount state, that state, in fact, having no rights in such a case but what it assumes by virtue of its power."

The same papers will show your Lordship that all pretensions to deal with the native princes and chiefs of India, by virtue of certain powers which your Lordship, in your judgment upon the Sattara adoption, assumed to have devolved upon the British Government, as successors of the emperors of Delhi, had been formally abandoned by your predecessors, and that it had been ruled by them, with the sanction of the Home authorities, that, in all our dealings with these princes, "we are to look only to the terms and spirit of our treaties and engagements which we have formed with them, and bring forward no other demand than such as, in reference to those engagements, may be indisputably consistent with good faith." And that when a question arose, as to the sense in which the words "heirs and successors" should be interpreted in our treaty with the Raja of Oorcha, Lord Auckland at once determined it to mean "heirs by adoption," as well as "heirs natural," observing that "upon words so distinct and positive it was impossible to raise a question." Thus construing that treaty, and all other treaties similarly worded, in the teeth of the construction which your Lordship put upon the

same words in the treaty with Sattara, where you determined that the words "heirs and successors must be read in their ordinary sense, in the sense in which they are employed in other treaties between states, that is, as meaning only 'heirs natural.'" The same papers will show your Lordship the serious error into which you fell in assuming that the Raja of Sattara had "claimed larger powers in respect of adoption than are enjoyed by old-established states," the right which he claimed being precisely the same that had been invariably recognised to belong to all other sovereign princes, *viz.*, the right to adopt a successor to his royal rights, in failure of heirs of his body—a right which, strange to say, is unequivocally admitted in the papers which authorised you to confiscate the principality of Sattara, upon the ground that the Raja had no such right: "for," says the Minute which bears the signature of a majority of the Court of Directors, by whose vote that measure was carried, "it is freely admitted that if the Raja were created a sovereign in the ordinary acceptation of the term, he was unquestionably competent to adopt a successor to his royal rights, as well as an heir to his private estate." The conclusion I leave it to your Lordship to draw, seeing that you have unequivocally admitted that the late Raja was such a sovereign as is contemplated in that paper; for, in the very first paragraph of your Lordship's Minute, you designate him with great truth and propriety as an independent sovereign. Recurring, then, to your Lordship's frank avowal, that no claim to territory or revenue ought to be enforced of which the validity is doubtful, I venture to ask your Lordship whether, with the proof now before you, that your confiscation of the principality of Sattara was, in the teeth of the law and custom of India, as laid down and repeatedly acted upon by your predecessors, in accordance, I believe, with the judgment of every officer entitled to pronounce an opinion on the subject—amongst them, that distinguished man, Mr. M. Elphinstone, who framed the original treaty with the Raja—I venture, I say, humbly, but firmly, to ask whether your Lordship can honestly maintain that territory and revenue, so acquired, can be retained, consistently with that "pure integrity" and "scrupulous good faith" which you say should characterise all the dealings of the British Government with the princes of India?

I have the honor to be, with great respect,

Your Lordship's most obedient Servant,

JOHN SULLIVAN.

31. I now beg to lay before your Majesty the views of Captain (now Major) Evans Bell, as expressed by him in the book styled *English in India*, which contains his "Letters from Nagpore" written in 1857-58.

(*Extract No.* 118.)

When the last of the Peishwas,* after the short war brought on by his own unexampled treachery, surrendered himself to Sir John Malcolm, a course was adopted, to spare, as much as possible, the pride of the Mahrattas, and to leave the Sirdars of the Deccan a national centre for the preservation of their old customs and former dignity. A part of the immense territories lately under the sway of the Peishwas was erected into an independent principality for the Raja of Sattara, the representative head of the Mahratta

* Pages 48-49.

Empire. Lord Dalhousie took advantage of the failure of a direct heir, refused to acknowledge the Hindu law of adoption, and extinguished this small but influential and friendly sovereignty.

Again,* so long as we continued to be still only one of the powers of India, and were engaged in subduing fierce enemies and conquering provinces, alliances with the native princes were sought, and we certainly drew our full share of advantages from such as we formed. For years we were celebrated as faithful and liberal friends; our generous restorations of the Mysore and Sattara Rajas gained us golden opinions from all sorts of people; our generous leniency after the treachery of Appah Sahib, the Raja of Nagpore, in 1817, in placing another member of the family on the Musnud, was a strong proof of our moderation and regard for the illustrious families of the country. But with the disappearance of the last vestige of an opposing power, our moderation began to disappear; the lust of patronage, the swelling of our establishments, led to financial difficulties, and the imprudent and most unjust expedition to Afghanistan in 1839 was the commencement of a series of annual deficiencies, which appear to have stimulated our rulers to annexation, and to the more rapid and sweeping resumption of estates as a means of restoring a financial equilibrium. Lord Ellenborough's equitable and considerate settlement of the Gwalior state after the Maharajpore campaign, had a most reassuring effect throughout India; but Lord Dalhousie carried the policy of annexation and resumption beyond all precedent, and enforced it against our most faithful and submissive allies. That this plan has signally and deplorably failed, must be now sufficiently apparent. That it has led to a widely-spread discontent among the most influential classes, whose ideas descend and penetrate through every rank of Indian society, is equally certain. In every mosque, in every bazaar, in every assemblage of the people, during the last ten years, loud and bitter have been the denunciations of the bad faith of our Government. Sattara, Nagpore, and Oude have been the greatest sources of discontent.

70. As already observed, it was my wish to bring the matter of this appeal into a very narrow compass; but my earnest desire to lay my case before your Majesty as clearly and explicitly as possible, has unavoidably led me to enlarge its limits, though mainly by including the testimony of many eminent men. I beg, therefore, to add here in paragraphs 71—101 some account of the political and family history, the resources, and course of administration of the Sattara Rajas, also observations on the policy of the East India Company subsequently pursued in these Mahratta countries, its manner of settling these territories, and reflections thereon.

71. As already observed (para. 3), the House to which I have the honour to belong, unlike the houses of several of the Indian Princes and Chiefs, is of great antiquity, and it must be borne in mind that a house with lineage of greater antiquity, which has from a remote time enjoyed royal positions, is scarcely to be found in all India.

a. So great is its antiquity, that the ancient renowned monarchs of India, *viz.*, Dashratha, Ráma, Kusha, Harichandra, &c., were born in it, in support of which statement see a genealogical paper (No. 1).

* Pages 51-52.

b. Our ancestors of modern times (as mentioned in paras. 2, 3) have enjoyed, and are still enjoying, sovereignties at several places in India. I append the genealogy (No. 2) of our modern ancestry.

c. The numerous Mahratta Princes, Chiefs, and Jaghirdars of India, such as Scindia, Holkar, Guikwar, the Putwardhans, the Pratinidhi, &c., have been our servants and dependents, and are of later origin. This will be found fully treated under paragraph 76.

d. The Hon'ble Mr. Elphinstone, Sir John Malcolm, Marquis of Hastings, Captain Grant Duff, &c., have given in their histories of India a succinct account of our family, but incorrectly, as they could not obtain full information as to the antiquity and greatness of our house*; for it was believed by these authors and several British statesmen that, during the Peishwaship of Bajirao, the Maharaja Pratab Sing and my husband, then a boy, were his prisoners. The fact is far otherwise. The history of every country shows that the sovereign appoints a minister to conduct the affairs of the State, and has to undergo a diminution of his own personal authority by bestowing on his minister powers for regulating the country and preserving its peace. General Briggs alone, while Resident at Sattara, inspected the records of our State, and personally acquainted himself with these facts. He states that my ancestors were not the Peishwa's prisoners. On the contrary, until the termination of the Peishwaship, it was the prerogative of the Maharaja of Sattara to invest the Peishwa, Scindia, Holkar, &c., with their titles and authorities, to bestow *inams* and *saranjams* (feudal and service estates) on any persons, to declare war and conclude peace, and to have the administration of the kingdom conducted in our name and by our authority. The report General Briggs made to the Government in January 1827 is given under para. 75, clause 2.

e. In order to acquaint your Majesty briefly with the history of our house, I beg to reproduce here the account* furnished by Sir Bartle Frere while Resident at Sattara, on 15th April 1848, to the Government. This account is not complete, but contains as much information as could be hastily collected in the short period of ten days after the death of H. H. the late Raja my husband.

* See also Extracts 69 and 70.

(*Extract No.* 119.)

The heroic genealogy of this house is traced, through the Ranas of Oodepoor and Cheitore, to the Sissoday Raja of Asseer, conquered and slain by Shalivan, whose era commences A.D. 77-78.

Grant Duff's History of Mahrattas, Vol. I., p. 26.

The only historical value of the legends on this subject seems to be to corroborate other proofs that the Bhousleys, like most of the old Maratha families, had pretensions to a Rajpoot origin.

They appear to have been a family of considerable influence previous to the time of Kellojee, the great-grandfather of Sivajee. There are still existing four acknowledged branches, which had separated from the main stem before Kellojee's time, and who had then acquired separate Patelships in the Deccan, which their descendants still hold. These are the families of Koral, Bambooree, Minipoor, and Bansindree.

Sattara family tradition.

The Bhousleys of Deoor, near Sattara, who are said originally to have come from Hingunburdee, near Poona, and from whom the Rajas of Nagpoor are descended, are generally supposed to have been connected with the Sattara house, but the relationship has never been established.

Grant Duff, Vol. I., pp. 379 and 519 and Note.

The authentic records of the Sattara house commence with—

(1.) *Kellojee.*—He is said to have lived at Verole (Ellora), near Dowlutabad. Captain Grant Duff calls him Babjee, which may have been his nickname. The Sattara and Tanjore pedigrees, and the popular Maratha "buckers" or chronicles, agree in calling him Kellojee.

Ibid., page 88.

(2.) *Mallojee* must have been, by birth, a man of some consequence, as he was Commander of a party of his own horse, when entertained as a youth by Moortiza Nizam Shah. He was patronised by Lookhjee Jadow, at that time the most powerful Hindoo Chief in the Deccan, and managed to marry his son to Lookhjee's daughter by a stratagem, described by Grant Duff, vol. I., page 90. He built the great tank at Mahadeo, near Phultun, which must have cost many lakhs of rupees, and before his death, had a command of five thousand horse, the title of "Raja" from the King of Ahmednuggur, and was placed in charge of the important fort of Sewnere, with the Poona and Soopa purgunnas in Jagheers. His marriage, too, with the sister of Wungojee or Jugpalrao Naik Nimbalkar, of Phultun, one of the most distinguished Marathá chieftains of his day, is evidence that Mallojee's family was already considered not only respectable, but of some consequence in the Deccan.

Grant Duff, Vol. I., page 89.

(3.) *Shahajee* succeeded his father in his Jagheers, and distinguished himself in a great battle between the troops of the King of Ahmednuggur under Mulik Umber and the Imperial Mogul army, A.D. 1620. Finding the Ahmednuggur power on the wane, he transferred his allegiance to the Emperor, received a command of 6,000 horse, with additional Jaghirs about A.D. 1629; but, disgusted by the treatment he received from the Imperial Court, he went over to the King of Beejapoor, A.D. 1632, and after doing that State good service, assumed the regency of the Ahmednuggur kingdom during the minority of one of the last of its Princes.

Ibid., page 97.

Ibid., page 102.

In 1636, he was of sufficient importance to have, on his account, a special article inserted in a treaty of peace between the Emperor of Delhi and King of Beejapoor, by which they divided the Ahmednuggur territory between them. Shahajee was, by this article, promised pardon if he submitted, but declared the common enemy of both the Emperor and King should he refuse compliance. He chose the former alternative, A.D. 1637, and was allowed to place himself in the service of the King of Beejapoor.

He appears to have greatly distinguished himself in the settlement of the districts which Beejapoor acquired by this treaty, and was shortly after sent as second in command of an army for the invasion of the Carnatic, where the jagheers he acquired, as his own share of the country he subdued, formed the foundation of the kingdom of Tanjore.

Ibid., p. 121.

The rebellion of his son, the famous Sivajee, was supposed to have taken place with his connivance, and in 1649 he was seized by treachery in the midst of his Carnatic conquests, sent prisoner to Beejapoor, and there threatened with being built up alive in a cell, unless his son submitted.

Ibid., p. 143.

This Sivajee offered to do, making good terms for himself and obtaining his parent's enlargement from close custody, though he was still kept under surveillance at Beejapoor till the increase of disturbances in the Carnatic induced the king to release him and send him thither, A.D. 1653. In the course of these operations he lost his son Sumbajee, killed before Kánikgeree, but appears to have more than regained the ground which had been lost during his absence. In 1662 he returned to Beejapoor, mediated between the government and his son Sivajee, who was then again in rebellion, and, after a visit to him among the Ghats, induced him to submit, returned to Beejapoor, and died near Bednoor, from a fall while out hunting, A.D. 1664, leaving Sivajee holder of far more than he himself had inherited near the Western Ghats, in the Mahratta country, and his other son, Venkajee, in possession of the large jagheers he had himself acquired about Tanjore and in the Carnatic, in which he had been confined (confirmed) by the King of Beejapoor.

With regard to his wives, the pedigree follows Grant Duff. The Sattara records state that Shahjee's second wife, the mother of Venkajee and ancestress of the Tanjore House, was of the family of Ghatgag.

(4.) *Sivajee*, born in the fort of Sewnere, May 1627, and brought up chiefly by his mother. His first act, on setting up for himself, was the seizure of the hill-fort of Torna, A.D. 1646, but he managed to lull the suspicions of the Beejapoor government for some years subsequently; and a year or two after, on the death of the manager of his father's Jaghir, he took it into his own hands. His father was then in the Carnatic, and, as he stated, quite ignorant of his son's proceedings.

Ibid., p. 122.
Ibid., p. 131.

He had become master of the greater part of the strong country between Joonere and Kolhapoor before the alarm of the Beejapoor government was fully excited, and his father was seized (1649) with a view to coerce his son.

By making interest with the Emperor Shah Jehan, Sivajee managed to procure his father's release, without sacrificing many of the solid advantages he had acquired.

From this time till Aurungzebe had completed his usurpation and settled himself in his kingdom, Sivajee appears to have been very impartial in his encroachments—at one time on Beejapoor, at another on the imperial districts of Joonere, Nuggur, &c., yet carefully avoiding an irreparable breach with either power, following up the most audacious acts of plunder with apologies and applications for pardon, and profiting by the jealousy of both parties, making each believe that he was likely to prove a useful auxiliary against the other. In this way he extended his possessions, amassed vast riches, and accustomed the people to look on him as their head in what they began to regard as an established national system of plundering their Mahomedan rulers.

At length, in 1659, the Beejapoor Government became sensible of the necessity of subduing him, and an army was sent against him under Abzool Khan, whom Sivajee enticed to an interview near Purtabgur, and there treacherously murdered him with a "wagnuk,' and defeated his troops.

He was now in open rebellion, and another larger force was sent against him; but the Beejapoor Government was threatened in other quarters, and after two campaigns, in which he was on the whole a gainer, he was (1662) reconciled to the Beejapoor Government, probably by the instrumentality of his father, and continued ostensibly on good terms with them till his father's death.

Sivajee then turned his arms northwards against the imperial districts, and advanced as far as Surat, which he plundered (January 5th, 1664), and on his return to Raigur, hearing of the death of his father, assumed the title of Raja, and coined money in his own name.

This act, and the plunder of some Mecca pilgrims, at length aroused Aurungzebe, who sent against Sivajee a strong force, under his two best Generals, Jeysing and Delore Khan. They at last reduced Sivajee to the necessity of making his submission to the Emperor, who thereupon confirmed him in a considerable part of his possessions as Jagheer, in 1665.

He then assisted Aurangzebe's forces against Beejapoor, and in 1666 repaired to Delhi to pay his respects to the Emperor. He was at first coldly received, and ultimately imprisoned but escaped in a sweetmeat basket, and at the close of the year, reached his stronghold at Raigur in safety.

In the course of the two following years he recovered much of the ground he had lost, partly by force and partly by grants from Aurungzebe, which are only to be explained on the supposition that he wished again to conciliate Sivajee, and draw him into his power.

Two years more were spent chiefly in arranging the internal government of his acquisitions; and, in 1670, Sivajee was again in open rebellion; recovered those hill-forts which the Emperor had retained in his own hands, as a check on the Marathas; and, a second time turning northward, plundered Surat, and in that and the following year laid the Northern Konkan and Khandesh under contribution, while his ravages eastward extended as far as Golconda.

In 1673, he pressed the now tottering State of Beejapoor, and, after a series of successes, he formally declared his independence, assumed the ensigns of royalty, and had himself enthroned at Raigur on the 6th June 1674, which thenceforward was to constitute the commencement of his new era.

In 1675 the Marathas for the first time crossed the Nerbudda; and, during a severe illness at Sattara in 1676; Sivajee planned the most extensive of his expeditions into the Carnatic, which he executed during the two succeeding years; and having just completed an agreement, whereby he was to receive, as the price of alliance with Beejapoor, the cession of the sovereignty over his father's and his own acquisitions in the Carnatic, he was taken ill and died at Raigur on the 5th April 1680.

The Satara records state that Yai Bai, Sivajee's first wife, was of the house of Mohitee; the pedigree follows Grant Duff, in making her of the family of Nimbalkur. The cause of this and of several other discrepancies is thus stated by Grant Duff, vol. II., page 340 :—

Vol. 1, p. 122.

"During the time of Balajee Bajeerao, it had been artfully contrived that there were only a few families, old, but of no power, with whom the Raja of the Marathas could intermarry.

To this day the Raja of Sattara would think himself degraded by a marriage with the daughter of Nimbalkur and of Jadow, although from them Sivajee was descended in the maternal line. This artifice, which may have been managed by bribing the Oopadeas and Shastrees, explains the reason why it is scarcely known that Shao was married in Aurangzebe's camp to a daughter of Sindia of Kunneir Kheir.

" Records of facts, except receipts and accounts in their own favour, would often have proved inconveninent to faithless, shifting, time-serving Brahmins; but it is not improbable that their prejudice against all other historical record may originate in causes of very remote date connected with the foundation of their religious institution.

5. *Venkajee* was always employed with his father, Shahjee, in the Carnatic, and accompanied him on his visit to Sivajee, among the ghats, in 1662, after which he seems to have returned to the Carnatic, where he was when Sivajee overran it in 1677. In this expedition one of Sivajee's professed objects was to claim his share of his father's property from his half-brother Venkajee. The latter was at first prepared to resist by force, but ultimately visited his brother. He, however, denied the right of the latter to any share in their property in the Carnatic. Sivajee at one time contemplated confining him till he gave up half the Jagheers and personal property, but ultimately gave up the idea as " inconsistent with his own character as a brother and a prince," and allowed Venkajee to return to Tanjore. He, however, overran and laid under contribution all the Jagheers which his father had held in Mysore. At this time Sivajee grounded his claim to half his father's property in the Carnatic on the assertion that it was not mere territory, but his inheritance (wuttun), which he was in honour bound not to abandon.

In 1678, after Sivajee had returned northwards, Venkajee attacked the troops his brother had left in the Carnatic, and was repulsed with great loss. On hearing of this, Sivajee wrote him a long and very sensible letter, pointing out the folly of discord and the necessity of union, and offering peace, on condition of Venkajee giving up to him the whole of their father's possessions in the Carnatic. Ultimately an arrangement was made whereby Venkajee agreed to pay down a considerable sum, to divide their father's jewels and share the revenue of his Carnatic territory. Sivajee then allowed him to retain Tanjore, and gave him back Mysore Jagheers.

Just previous to his death in 1680, Sivajee had exacted from the Beejapoor Government, as the price of his alliance, the cession of all claims of sovereignty over the Carnatic and Tanjore districts. This decided supremacy thus acquired by his brother so mortified Venkajee, that he neglected his affairs and gave himself up to melancholy, which drew from Sivajee " a letter full of energy and good sense," one of the last he ever dictated.

Grant Duff, vol. I., p. 294.

On Sivajee's death, Venkajee withheld all share or tribute from his nephew Sumbajee; and in 1687 an expedition was planned by the latter to enforce his claims, but it seems to have been unsuccessful. From this time there does not appear to have been much connection kept up between the States of Tanjore and Sattara. The territory of the former is stated to have been laid under contribution by the Emperor's army in 1696, from which it may be inferred that Venkajee's son, then on the Tanjore musnud, was co-operating with his Sattara countrymen against Aurungzebe. From the death of Tookajee, Venkajee's son, the real power of the State appears to have been vested in a Mahomedan officer, who commanded the fort of Tanjore up to about 1741; but of the subsequent history of Tanjore little is to be gleaned from the Sattara records or published histories of the Marathá States.

Ibid., p. 294.

Ibid., p. 382.

6. *Sumbajee*, on Sivajee's submission to the Mogul Emperor, A.D. 1665, Sumbajee, then a boy eight years old, was appointed by the Emperor to a musnub of 5,000 horse. In A.D. 1679, Sumbajee, who had been placed under restraint by his father on account of some youthful irregularities, fled to the Moguls, with whom his father was then engaged in hostilities as a partisan of the Beejapoor Government. Dilere Khan, the Emperor's general, proposed to set up Sumbajee as head of a party in opposition to his father, but the Emperor Aurungzebe, fearing by such measures to strengthen predatory power in the Deccan, ordered him to be sent prisoner to Delhi; but Dilere Khan appears to have connived at his escape, and he returned to his father, by whom he was restricted to the fort of Punala up to the day of Sivajee's death, 5th April 1680. Soyrabaee, step-mother to Sumbajee, and mother of Raja Ram, was with Sivajee at the time of his death, in the fort of Raigur, and laid a plan with Sivajee's principal Ministers to conceal that event until Sumbajee had been secured in Punala, and her own son, Raja Ram, placed on the throne.

Ibid., p. 209.

Grant Duff, vol. 1, page 301.

The attempt to secure Sumbajee failed, and he prepared to defend himself in Punala; but Raja Ram was formally placed on the throne in May, and affairs were conducted in his name: dissension, however, broke out among his Ministers, and Sumbajee, acting with vigour, marched on Raigur, and got possession of it in June.

He behaved with great cruelty to his late opponents, imprisoned Raja Ram, and put to death Soyrabaee and her principal supporters. This act exasperated her powerful relations, and was the cause of fresh conspiracies which were not put down till Sumbajee had executed several officers of note, and, among others, Anajee Dutoo Punt Sucheo. The execution of this man, a Brahmin and a gallant supporter of Sivajee's, greatly increased Sumbajee's unpopularity. From this time, while Aurungzebe was making vast preparations for subduing the Deccan, and even after he had reduced Beejapoor and Golconda, Sumbajee did little to oppose his progress. He would occasionally act with vigour and courage, but more often wasted his strength in ill-concerted expeditions against the Khan of Junjeero and the Portuguese. Latterly he sunk into habits of gross sensuality and was ultimately seized, while in a state of intoxication, by a party of Mogul troops, at Sungumeshwur, A.D. 1689, and in the beginning of August in that year he was publicly tortured and executed by Aurungzebe at Solapoor.

Ibid., page 361.

7. *Raja Ram.*—His early history has been already narrated. On Sumbajee's death, it was resolved by the Chiefs assembled at Raigur to declare Raja Ram regent, during the minority of Sumbajee's son, Sivajee, better known as Shahoo, who not long after was, with his mother, taken prisoner by the Moguls. It was impossible at the time to oppose the Moguls by force in the field with any chance of success, and it was with great difficulty that Raja Ram escaped in disguise to Ginjee, in the Carnatic. Here he organised a fresh court, and was formally seated on the throne, A.D. 1690. On this circumstance Captain Grant Duff observes; "some of the Marathas, jealous of the right of the elder branch, do not admit that Raja Ram ever sat on the throne. They say he sat on the gadee or cushion merely as regent, holding the powers of the State in trust for his nephew, Shahoo, then a prisoner in the Mogul camp." Meantime Raja Ram's officers maintained a desultory warfare in the Maratha Country. After a protracted resistance, Ginjee was taken in 1698, but Raja Ram had previously escaped, and, returning to the Deccan, plundered Khandesh and Gungturee; but, after an illness, brought on by over-exertion in one of these expeditions, he died at Singgur in March 1700, a month before the capture of Sattara, then besieged by Aurungzebe in person.

Ibid., page 371, Note.

8. *Tarabaee,* his elder widow, immediately proclaimed her own son, Sivajee, and imprisoned her husband's other widow, Rajisbaee, with her son, Sumbajee. She was an active and ambitious woman, and was well seconded by numerous able Chiefs, who acted independently, with the common object of plundering the Moguls. Guzerat, Khandesh, Malwa, and Berar were all overrun and laid under contribution, and as the Emperor returned northward, many of the forts he had reduced with great difficulty were retaken by the Marathas; and after Aurungzebe's death in 1707, the only expedient which appeared to his successors to hold out a prospect of reducing the Marathas to obedience was to release Shahoo, and promise him a confirmation of Sivajee's kingdom, with extensive additions, should he establish his power and remain faithful to the Emperor.

Ibid., p. 416.

9. *Shahoo.*—Tarabaee at first treated Shahoo as an imposter, but he gradually gained ground, and soon established himself at Sattara. Here, chiefly by the ability of Balajee Wishwanath, the ancestor of the Peishwas, he gradually extended his power, and Tarabaee having been imprisoned at Kolapoor, which she had made her head-quarters, Shahoo's generals prosecuted their enterprises without interruption against the distracted Empire of the Moguls.

On Tarabaee's deposition, Sumbajee, the son of Raja Ram by his youngest widow, was placed on the throne of Kolhapoor, 1712. After a long reign, he died childless in 1760, the last of the lineal descendants of Sivajee, and two years after his death, his widow, Jeejeebaee, adopted as her husband's heir.

10. *Sivajee,* the son of Shahjee Bhousley, Patel of Kanwut, in the district of Indapoor, descended from one of the seven sons of Vitojee, the granduncle of the great Sivajee. The grandson of the boy thus adopted is now on the throne of Kolhapoor.

Grant Duff, vol. 2, page 337.

Shahoo, bred up in the indolence of a Mogul court, was easily persuaded to leave all affairs to his able Minister, and for some years before his death was almost in a state of imbecility. Just previous to his death, in 1749, he adopted a son, Ram Raja, the grandson of Tarabaee. This prince, born after the death of his father in 1712, had been reared in such obscurity that his existence was unknown to all save his grandmother. About the same time Shahoo gave the Peishwa a deed bestowing on him the whole management of the Maratha empire, on condition of his maintaining the dignity of the house of Sivajee, in the person of the grandson of Tarabaee and his descendants.

Grant Duff, vol. 2, page 35.
Col. Brigg's letter to Government, No. 1 of January 1827.

The paper also directed that Kolhapoor should always be considered an independent sovereignty. As far back as the 26th April 1731, a Partition Treaty had been executed between the two kingdoms, in which the Warna river was fixed on as the common boundary.

11. Ram Raja was ill calculated to regain what his adopted father had given up. It at one time suited the Peishwa's policy to throw doubts on his legitimacy, though the evidence seems, on the whole, strong in favour of it; but confinement and an education in obscurity had utterly destroyed his spirit, and even the energy of his grandmother could make nothing of him as an instrument to head a party. He died 12th December 1777, having a short time before his death adopted Abba Saheb, the son of Trimbukjee Bhousley, Patel of Wawee, descended from Vitojee, great-uncle of Sivajee. This adopted son was formally enthroned under the title of

12. *Shahoo Maharaja II.*—This prince was always kept a complete prisoner. He made a feeble attempt to revolt in 1798, but though some of his adherents, headed by his brother Chutter Sing, made a gallant resistance, they were quickly defeated by the Peishwa's troops, and the Raja imprisoned with greater severity than before. He died a prisoner, and was succeeded by his son

13. *Purtab Sing*, who was kept a close prisoner by the Peishwa Bajeerao. At the breaking out of the last Maratha war, Bajeerao took particular pains to secure the persons of the Raja, his two brothers, and his mother, and gave orders that they should be put to death, rather than fall into the hands of the British. Sattara having been taken, a manifesto, dated 11th February 1818, was published by Mr. Elphinstone in the name of the British Government, detailing the causes of the war, and declaring the determination of the British to take possession of all the Maratha territory except a small tract to be reserved for the Raja of Sattara. The Raja and his family were captured after the action of Ashteh, 20th February 1818, and on 11th April, he was formally enthroned by the Commissioner. On the 25th September 1819, a treaty was concluded between the British Government and the Raja, ceding to him, his heirs, and successors, the districts he has since possessed, binding him to hold his territory in subordinate co-operation to the British Government, not to increase nor diminish his military force without its sanction, and, as a fundamental condition, to abstain from all intercourse with persons not his own subjects, excepting through the Resident at his court; the British Government charging itself with the defence of his territory against external aggression.

Grant Duff, vol. 3, p. 483.

The Raja having violated this treaty, was deposed 1839, and died at Benares in 1847, leaving no male issue, but one daughter, and having, it is said, adopted a few years before his death the son of Bulwunt Sing Bhousley, better known as Bala Saheb Senaputee, his first cousin by birth.

His next brother having died without issue in 1821; the third brother

14. SHAHJEE, *alias* APPA SAHEB, succeeded on his brother's deposition in 1839, and has just died, April 5th, 1848, leaving no issue, but having, previous to his death, adopted Venkatrao Bhousley, of the family of Shedgaon, descended from one of the seven sons of Vittoji, the great uncle of Sivajee, who through the Wawee branch was the ancestor by blood in the same degree as the Raja himself.

f. The above extract must convince your Majesty of the antiquity and greatness of my princely house. As for the statement that the latter Maharajas were the Peishwa's prisoners, a complete refutation of it will be found under paragraph 75.

72. In later times, that is in the 17th century, the great Maharaja Shivaji Chhatrapate founded the Maratha Empire, and he and his successors treated the Mahomedan sovereigns of India on a footing of equality if not of superiority, conquering from them by the power of the sword, tracts yielding many lakhs of rupees, and these they ruled or apportioned as independent sovereigns. These facts are too well known to require corroboration here.

73. I now beg to add a detailed statement showing the amount of the revenue of our large territory and the extent of our power when it was administered through our prime minister the Peishwa; as also the revenue of the small portion of our territory retained by the British Government in our possession in 1819, and the correspondence between the Honourable Mr. Elphinstone and Lord Hastings, which preceded its retention.

a. When the kingdom was administered through the Peishwa, Scindia, Holkar, the Chief of Nagpore, and other smaller chiefs, had assignments of territories yielding large revenues, for service and maintaining forces. Besides, the kingdom was kept in order by other Sirdars who had forces in several places. Still *exclusive* of the revenue of the assigned territories, the coffers of the State were enriched annually by about *four* crores of rupees (£4,000,000), and yet the Honourable Mr. Elphinstone, in his letter to the Governor-General, dated the 18th July 1818, states in the sixth section of it, that the revenue of our kingdom was only 2 crores 15 lakhs of rupees (£2,150,000).

Par. Pa., page 497.

"All the revenue of the Peishwa, as stated in the former treaty, is 2 crores and 15 lakhs of rupees." Granting this, the East India Company allowed us only 15 lakhs out of 2 crores and 15 lakhs, and the rest they appropriated to themselves from motives of aggrandisement. Without grieving at this and without wishing for more, we were content with the 15 lakhs of rupees' revenue (£150,000.) One reason of this was that the great East India Company had become our ally; another was that the then Honourable Company would never permit any one to do us wrong or injury. But contrary to their high principles in 1819, they have in 1849 deprived us unjustly of what little they had left to us.

b. In the letter of the Honourable Mr. Elphinstone to Lord Hastings, dated the 18th June 1818, and published at page 52 of the *Parliamentary Papers, Sattara Raj, Part II.*, he makes the following proposals under sections 6—8 :—

(*Extract No.* 120.)

6. The first demand on this revenue is a provision for the Raja of Sattara. Your Excellency's instructions left me the choice of giving him a jagheer or a small sovereignty; and I was inclined to adopt the latter plan for various reasons. At the time when I had to decide, the Mahrattas showed no disposition whatever to quit the Peishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence, and still more that of the entire loss of their means of subsistence, from the want

of a Government likely to employ them, would induce them to adhere to Bajee Row, with an obstinacy that could never have been produced by affection for his person or interest in his cause. It therefore seemed expedient to remove those grounds of alarm by the establishment of a separate Government. Your Excellency will have observed from Brigadier-General Munro's letter, the opinion of that experienced officer, that a State like that of Mysore shall be formed for the Raja; and although I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro, on the importance of leaving for part of the Peishwa's subjects a Government which could afford them service in their own way; some part of the revenue must necessarily have been sacrificed to the maintenance of these classes, and by adding a portion of the revenue so sacrificed to that designed for the support of the Raja, I expected to keep many in employment, and more in hopes, that would otherwise have remained disaffected, and ready to join in every scheme for disturbing the Government, or laying waste the country.

7. For these reasons, I thought it would be desirable to assign to the Raja the territory bounded by the Neera on the north, the Wurna and Kistna on the south, the Ghauts on the west, and the Nizam's frontier on the east, with the exception of the jagheers of the Putwurdhuns, and such others as your Excellency may think proper to exclude. I found it necessary to give the Raja an outline of the establishment I meant to propose for him, that I might put bounds to his extravagant expectations on the one hand, and prevent disappointment and disgust on the other; but, by the mode of my communication, I retained for your Excellency the power of circumscribing the grant within moderate limits, if you thought it politic; and of altering the grounds of it entirely, if the Raja's conduct should render him unworthy of your liberality. By withholding all the lands that were in jagheer at the breaking out of the war, your Excellency would reduce the Raja's revenue to thirteen lacs of rupees, which might be further lessened by requiring him to pay for a regiment of Infantry to protect his country; and by granting him the lands of jagheerdars, forfeited since that period, and placing under him the jagheers within his limits (with the exception of those of the Putwurdhuns), you would make his direct revenue upwards of 1,800,000, and that held of him by dependent chiefs about 400,000 additional. This is on a supposition that his eastern boundary was to be the Bheama, but a further addition might be made by giving him Solapoor and other places south of the line of the Neera, but beyond the Nizam's frontier. In this would also be included the jagheer of the Raja of Akulkote, and as the connection would be agreeable to both parties, this arrangement would perhaps be politic, that regarding Solapoor is more doubtful.

8. To conclude the subject of the Raja's limits, I beg to observe, that his conduct has been perfectly satisfactory, and that the object of establishing his Government would probably best be effected by fixing his territory on a liberal scale; with respect to the mode of his Government, it must long be under the immediate control of a British Agent. The Raja is young and totally inexperienced, and the people about him are those who share his misfortunes, and are as ignorant as himself, without being as intelligent or as well disposed. The Government ought, however, to be emancipated as soon as circumstances will admit of it, and to be placed on the same footing of independence as our other allies. The Raja is desirous to have a treaty concluded with him, but there is no urgency in the case, and I shall therefore await your Excellency's instructions regarding it. It will, indeed, be of advantage to delay the conclusion of it until experience shall have shown the terms fit to be imposed. Whenever a treaty is concluded, the Raja's dignity should be scrupulously preserved, while his total separation from all former dependents of his nominal State should be explicitly declared,

as one of the grand advantages of the deposition of the Peishwa is that it dissolves the Mahratta confederacy by destroying the common point of attraction. An article may be required to compel the Raja to keep up, for a time at least, the proportion of troops which his revenue can bear.

c. These proposals of the Hon'ble Mr. Elphinstone were adopted by the Government of India in a letter dated 20th September 1818, the 9th and 28th paras. of which are the following (Parl. Papers, Sattara Raj, p. 54):—

(*Extract No.* 121.)

9. The Governor-General has already signified to you his entire assent to the force of those considerations which induced you to extend the original objects of the establishment of the Raja of Sattara in an independent sovereignty, and the consequent enlargement of the territory to be conferred on that Prince. The limits of the territory to be thus appropriated as described in your instructions to Captain Grant on the 8th of April, and in the despatch now acknowledged, are perfectly approved. The testimony now borne by you of the good conduct of the Raja since the formation of the connection with the British Government, naturally confirms this view of the question, and will induce His Lordship in Council to approve of the extension of his territory to the widest limits you have proposed, and to place under his authority those of the jagheerdars whose possessions fall within those general limits, with the exception of the Putwurdhuns. The particular case of Solapoor will perhaps require to be separately considered, and must depend, in a good measure, on the interchanges of territory to be effected with the Nizam, to which reference will be made in a subsequent part of this despatch. It will be proper to make some provision for the security of these jagheerdars, and your attention is, very probably, directed to that object. In concluding the final arrangements with the Raja, to which these remarks and the 32nd and the following paras. of my despatch of the 14th July refer, you will keep this matter in view.

28. The annexation to our territory of the lands of Rastia and Gokla, between the Neera and the Kistna, though it would increase our direct revenue, would proportionably circumscribe that of the Raja of Sattara, whom it is a great object to maintain in dignity and ease. These lands would, moreover, be separated from our other territories, and intermixed with the possessions of the Raja, or those of his jagheerdars, or of ours; and though this is a minor objection, and would not operate against the adoption of the plan, were it otherwise expedient, it adds force to other objections.

74. It is the opinion of some that the East India Company released the Maharaja of Sattara from confinement by Bajirao, and that a small territory out of his vast dominions was retained to him purely as an act of humanity and generosity on the part of the Company, and therefore it is contended that as a gift by the East India Company, they had a right to withdraw it at any time. But the facts do not support this view. It must be known that the Peishwa and other dependents of the Maharaja, becoming powerful and blind with prosperity, failed in their allegiance to our royal house. Hence our predecessor, the Maharaja Pratab Singh, secretly communicated with the Hon'ble Mr. Elphinstone to obtain his aid in restoring order in his dominions and have his minister

the Peishwa restrained. Mr. Elphinstone in confidence promised assistance. Shortly afterwards war broke out between the English and the Peishwa in 1818, when it appeared that the promise made before by Mr. Elphinstone to restore order in the Maharaja's vast dominions and punish his servant was about being fulfilled. The letter written 13th September 1818 by Mr. Elphinstone, in reply to the Maharaja's letter, is given below. From this document it will be manifest that the East India Company was our ally. And for the service rendered by the Honourable Company they took over the greater part of our extensive kingdom. Let it by no means be inferred, however, that the Company's obligations are not gratefully acknowledged for the invaluable assistance they rendered in the deliverance and restoration of our predecessor.

a. Translation of the reply by the Hon'ble Mr. Elphinstone, to the Maharaja, dated the 13*th September* 1818 *(see official papers appertaining to the case of the dethroned Raja of Sattara, printed by G. Norman,* 1843*).*

(*Extract No.* 122.)

I have received your Highness's favour, in which you are pleased to say, that your kingdom has been unjustly seized, and your power usurped by some of your Highness's servants and dependents and vassals, that you have been placed under great restraint by Bajirao ; in consequence of which your Highness is now desirous of entering into arrangements with me, on the part of the Honourable Company, for the settlement of the kingdom, that the Honourable Company's policy and conduct towards other princes and potentates of India had given general satisfaction, and redounded much to their credit ; that your Highness entertains the most confident hope that your rights will be acknowledged, and your dominions settled and adjusted to your entire satisfaction ; that in the interview which took place between your Highness and myself you were pleased to allude to this subject, and that I assured your Highness that the matter had been submitted to the Governor-General in Council in a letter I wrote to his Lordship. Your Highness is now desirous of being made acquainted with the result of that communication.

In reference to this I beg to say that I have not yet been favoured with a reply from the Governor-General, owing doubtless, to the great importance of the subject, which will require time for consideration. Your Highness, in the meantime, need entertain no apprehension.

With respect to the treatment to which your Highness has been subjected by your dependents and vassals, I may be allowed to assure you, that a repetition of the same shall never occur. The Governor-General will attend to your Highness's interests in a manner no less satisfactory than what has been done in the cases of the other princes of India. Your Highness and family will be regarded with that high consideration which is your due. The Governor-General in Council will settle the affairs of your Highness's territories to your satisfaction. I will communicate his reply to your Highness immediately on its reception.

I hope I may always enjoy your Highness's esteem, and be favoured with occasional epistolary favours.

75. An erroneous opinion is prevalent that, up to the battle of Kirkee, the affairs of the Mahratta Empire were exclusively conducted by the Peishwas, and that it belonged to them as a political right. This was not so. In the year 1818, when it was taken by the Hon'ble Company from the hands of Bajeerao Raghunath, the last of the Peishwas, some portion of that great Mahratta dominion was bestowed upon us by the Hon'ble East India Company, as an act of political wisdom and statesmanlike foresight. The Mahratta sovereignty, the affairs of which were administered by the Peishwas in our name, descended to our house from generation to generation, all complicated and important matters concerning the State being conducted under our orders. It is we who issued orders for the movements of troops, the proclamation of wars, the bestowing of honours, enams, sarinjams, allowances, or of any alienations whatever, the confirmation and succession to any hereditary offices, the revoking grants for just reasons, the creation of Chiefships, the conferring of titles, the concluding of peace, the entering into treaties with any power or potentate, and the punishment or forgiveness of disloyal acts of any Chiefs. In short, every important matter in the administration of the vast Mahratta Empire of the Deccan, Berars, Konkan, and other frontiers, was disposed of under our orders and in the name of our family. Although the Peishwas were entrusted with the administration of the Empire; although we consented to be guided in certain matters connected with the State by fixed rules; still the Peishwas took every care, even in latest times, to preserve the dignity of our house, and to be respectful towards our family and throne. There might be occasional and temporary quarrels between Prince and Minister; but from the time of Balajee Vishvanath the first, to that of Bajeerao Raghunath the last, none of the Peishwas acted towards our family disloyally, as has been incorrectly supposed by the historians of that period. Those who were eager to extend the Company's territorial possessions in India by the perpetration of injustice in annexing our sovereignty, have brought forward as a plea that the Hon'ble East India Company acquired sovereign rights over our State as successors of the Moguls and of the Peishwas—who were the real masters of our dominion. Hence it was alleged by Lord Falkland and his Councillors that the sanction of the British Government as lord paramount was necessary for the confirmation of my adopted son in sovereign rights. This is really a preposterously mistaken claim, as the Emperors of Delhi dared not interfere with the internal administration of our vast Empire, and the Peishwas, our servants, did not make even an attempt to obtain sovereign rights over us. To prove this, I beg to acquaint your Majesty with a circumstance that occurred in later time (A.D. 1810). At this period, one of my ancestors paid a visit to the city of Poona. On that occasion Bajeerao himself requested the British Resident at Poona to welcome His Majesty's arrival, and to pay him respect suited to our position as sovereigns of the Mahratta Empire and masters of the Peishwa himself.

A. This open avowal on the Peishwa's part to the British Resident is sufficient evidence for confuting the erroneous opinion upon this subject, as will appear from the following :—

(*Extract No.* 123.)

In proof of this, we may adduce the fact, that in 1810, the Peishwa, Bajeerao, notified to the British Resident the probability of the Sattara Raja visiting Poona, and represented that, in such an event, he hoped the Resident would pay the compliment that was due to his, the *Peishwa's sovereign*, by waiting on him at the Palace, and afterwards giving him an entertainment at the Residency.—*See Hamilton's Hindostan*, vol. 2.

B. The plea brought forward, by those who were foremost in annexing our territory, was that the vast Mahratta Empire, yielding a revenue of some crores of rupees, and the affairs of which were exclusively conducted by our ancestors through the Peishwas, belonged to these our Ministers, and that they administered the government without any reference to our family. Such a notion, which is quite at variance with facts, creates an impression calculated to weaken our attempts towards the restoration of our hereditary sovereignty. The inferences drawn from such mistaken views naturally led to the formation of an opinion that the British Government was justified in withholding the benefits of our sovereignty from us. It is said our principality was created and bestowed upon us by that Government out of the extensive territories to which we had no claim of inheritance whatever. If such a grant, which is thus alleged to be a spontaneous act of liberality on the part of the British Government, is revoked, the Hon'ble Company might be excused in the refusal of our claims and pretensions to the sovereignty. But, Noble Queen, such was not the fact. The whole extensive Mahratta Empire, south of the Vindyas, was ours, though but a small portion of it was restored to us in an independent sovereignty for several political objects, which the Hon'ble Company thereby secured. In support of this, I beg to extract the words of General Briggs from the report submitted by him to the Government of Bombay on the 1st January 1827 (*vide* page 29 of *Bombay Government Selections* No. 41 of 1857) :—

(*Extract No.* 124.)

Besides these proofs of the respectable treatment experienced by the Rajas of Sattara, there is abundant testimony to confirm the fact of pains being taken to prevent the Raja forgetting the dignity of his station. I find that the movement of troops, preparations for war, the favourable results of battles and campaigns, were regularly reported to the Raja. Honours were granted by him, and the succession to the great hereditary offices and estates received confirmation from "the Presence" alone.

C. I now quote here the opinion of the Hon'ble Mountstuart Elphinstone touching this point. This statesman there admits that the affairs of the Mahratta Empire were conducted by the Peishwas in our name, but removes the erroneous impression by saying that it was only "alleged" by the Peishwas that His Majesty the Maharaja Shahu, at the time of his death, gave the whole management of his empire into their (Peishwas')

hands, on condition that they should manage its affairs in the name of our royal family. Mr. Elphinstone states as follows :—

(*Extract No.* 125.)

This Prince (Ballajee Bajeerow) was the first of the Peishwas who openly exercised the sovereign authority on the Raja's behalf. His two predecessors had always affected to act under the orders of that Prince; but Raja Sahoo dying in 1749, it was alleged by the Peishwa that he had formally invested him with the sovereignty of his dominions, on condition of his keeping up the name of the Raja's descendants.

D. I now lay before your Majesty the testimony* on the part of the Marquis of Hastings, the Governor-General of India, that the Mahratta Empire, the administration of which was, to a certain extent, in the hands of the Peishwas, belonged to our family, and the country was subject to the Peishwas only in virtue of the power which they exercised on our behalf. The words of Lord Hastings are as follow :—

* Governor-General's despatch to the Hon'ble Court of Directors, dated 4th September 1817, para. 9.

(*Extract No.* 126.)

A clause has been inserted in this article to prevent it (the Mahratta confederacy) from affecting the Peishwa's authority over certain chiefs, who are subject to it only in virtue of the power he (Peishwa) exercises in behalf of the Raja of Sattara.

E. The Marquis of Hastings, the Governor-General of India, the Hon'ble Mountstuart Elphinstone, General Briggs, and Mr. Hamilton (the excellent geographer) have clearly established that the affairs of the Mahratta Empire were conducted by the Peishwas in the name of our family and by our orders, and that it belonged to us. Hence it is not necessary for me to dwell at length upon this point. However, I subjoin copies of a few documents submitted to our ancestors by the Peishwas on different state occasions, with regard to important matters connected with the Mahratta Empire. These documents clearly establish the fact that, although there were certain restrictions on the exercise of our princely power, which were imposed principally since the formation of the Mahratta Empire in 1674—these restraints being, according to constitutional and acknowledged principles, observed in civilized countries, such as your Majesty's kingdom, the affairs of which, and of your Majesty's other territorial acquisitions, are controlled by public opinion and conducted by constituted bodies—still the Peishwas were not disrespectful and disloyal to our house or throne.

a. The following is translation of the prayer submitted, on the 18th June 1792, by the Peishwa, Madhavarao Narayen, to Shrimon Chhatraputti Aba Saheb Maharaj :—

(*Extract No.* 127.)

To

His Imperial Majesty the SHRIMUNT MAHARAJA,
Ornament of the Kshatriya Race.

Request and obeisance of the servant Madhavrao Narayen, Pradhan (Peishwa).
27th Saval.

The servant (Peishwa) is doing well by the gracious countenance of your Majesty.

Particulars :—In the empire of Delhi, Gulam Kadur, being a servant of the empire, turned traitor, highly disobeyed the Emperor, and made him prisoner. Then Rajashri Mahadaji Scinde, having punished Gulam Kadur and all his accomplices, restored order to the empire, &c., relieved the Emperor, and seated him again on the throne. The Emperor, upon this, being highly pleased, said (to Mahadaji Scinde)—" There were many servants of the empire none of whom could restore order, and you, having duly punished the traitors, restored order, which nobody could do. Hence I will confer under agreement from my Government the two titles of the ' Vakeel Mutaliq' and ' Meerbukshagiri' on the Punt Pradhan (Peishwa)." Having thus said to Mahadaji Scinde, and conferred the two titles of the " Vakeel Mutaliq" and " Meerbukshagiri," delivered the *khelat, furda,* and *maratab* of the titles to the aforesaid Scinde, is now come to the country (Deccan) with these. But the order of the (Mahratta) Sovereign (to accept them) is required. Hence I have written this letter of request. I will accept them as soon as your order comes. May this be known to your Majesty is my prayer.

b. The following is translation of an answer, forwarded on the 21st of June 1792, to the prayer of the Peishwa referred to above :—

(*Extract No.* 128.)

Order to Rajamanya Rajashri Madhavrao Pandit Pradhan (Peishwa) to the effect that—Whereas your request of 27th Saval was received, you are informed by this order that the Maharaj is pleased to grant you permission to receive the two titles from the Emperor under an agreement passed from the Huzoor. You should therefore accept the *khelat, furda,* and *maratab* of the titles of " Vakeel Mutaliq" and " Meerbukshagiri."

If the Peishwas were the kings and rulers of the Mahratta Empire, why then did they ask our permission, as mentioned above, for accepting the titles of *Vakil Mutalik* and *Meerbuxeqiri* conferred on Madhavarao Narayen Peishwa by the Emperor of Delhi, who was released from the bonds of Gulam Kadur and set again on the throne by Mahadaji Sinde? If the Peishwas accepted those titles only after having taken permission from us, what doubt can there be that the Peishwas were our servants ? And is it not evident that the Peishwas obeyed our order with even greater respect than that of the great Mogul ? Some of the home authorities of the Hon'ble East India Company, namely, the Hon'ble Sir J. Hobhouse and the Hon'ble Mr. Mangles, endeavoured to show that, if we were released from the bonds of the Peishwas, and set again on the throne by the Hon'ble East India Company, the Company's supremacy over us was thereby established without any doubt. But it is certain that we had not been under such restraints as those hon'ble members represented. But supposing that there was apparent superiority of actual power and force over us, still it does not necessarily follow that one who assists another in difficulty enjoys supremacy over him in consequence of that assistance. If we suppose that one derives supremacy over another to whom he renders assistance, then, by that supposition, Mahadaji Scindia, a chief under the direction of the Peishwas, who released the Delhi Emperor from bonds and set him again on the throne, or the Peishwas under whose power Scindia was, ought to be held superior to the Mogul Emperor. Then, if the Peishwas and Scindia were our vassals, and if they acquired supremacy over the Emperor by the circum-

stance of assisting him, will not your Majesty, therefore, be obliged to consider our authority greater than that of the Delhi Emperor ? But it is not needful to go into the details of this argument. I only bring this to your Majesty's notice to show that the Emperors of Delhi never interposed in our affairs. We employed the resources of our kingdom according to our own will and pleasure. Now, I do not mean to question the great authority exercised by the Mogul Emperors, but that our house really enjoyed the sovereignty of our dominions independently, and in the same way with the Mogul himself. The Hon'ble Company's statesman, Lord Hastings, admitted, in his seal in 1817, that *he* was the servant of the Emperor Mahomed Akbar Shaha of Delhi. We exercised exactly the same kind of authority as the Emperors of Delhi; and at one time, as I have just proved, our servants released one of the Emperors from confinement and set him on the throne. For this reason, therefore, the Hon'ble Company has no ground, except that " might is right," in saying that the Moguls were politically superior to our house.

F. Deaths occurring in the family of the Peishwas were regularly reported to us, as our sanction for the confirmation of the succession to the vacant office was urgently required. An adoption, when made by the Peishwas, was also sanctioned by us. A few instances of this nature are shown below:—

(*Extract No.* 129.)

Prosperity to the accession to the sovereignty (of the Mahratta Empire) in its 121st year, the name of the cycle (Sanvatsar) being Rakshas. From the Shri (Illustrious) Raja Shahu, Ornament of the Kshatriya Race, Lord Paramount.

Order to Ganga Bagirthi Yesvada Bai Pradhan:—

Whereas your husband, Madhavarao Pandit Punt Pradhan (Peishwa), departed for heaven (swerga), prematurely without a son; if, in order that the duties of the office of Peishwa may be securely conducted, the son of Raghunath Bajeerao be given in adoption to you and invested (with the title of Peishwa), that would rouse the old hostile feelings of the Sirdars and Mutsadis (statesmen), contemporaneous with the former commission of the monstrous deed by Raghunath Rao, and create a disturbance in the state, and is opposed to the Shasters. But with a view to continue the name of the family of the late Ballajee Bajeerao, who served the sovereign with unswerving devotion, it has pleased the Maharaja that you should take in adoption, in the name of your husband, a boy born in your *gotra* (family), who should be invested with the office of *Peishwa*, while the duties of that office should be conducted by Rajashri Ballajee Janardan. Accordingly this mandate has been sent you for making adoption. Therefore, taking a boy in adoption from your *gotra*, you should make it known to the *Huzoor* in a request.

Upon the authority of this order, Yesvada Bai Pradhan adopted Chimnajee Mahadevrao, in whose name affairs of the Peishwaship were conducted for a time.

a. The letter addressed by Ballajee Janardhan, known to history as Nana Furnavis, to the Mamlutdar at Sattara on the 8th of December 1795, communicating the death of Madhavarao Narayen by an accidental fall from the window of the upper storey of the palace, and also desiring

the Mamlutdar to solicit our orders as to the future management of the affairs of the empire, is as follows:—

(*Extract No.* 130.)

'Being affected with a temporary fit of delirium in the course of five or six days last, Shrimon Ravasaheb (Peishwa) fell down from the Ganpati parlour on the second storey of the palace to the stone pavement on the side of the fountain, and was severely bruised in the right thigh. His jaw received a dreadful shock. Skilful physicians, also several human and superhuman remedies were tried, but failed; and on the evening of the third day he departed for heaven. This was a very melancholy event. There is no remedy against the dispensation of Providence. Letters of condolence were expected from His Illustrious Majesty Shrimon Maharaj Aee Sahib. Letters of request have been sent from here, which should be presented (to the Maharaj). Requesting the Sovereign that the tranquillity of the kingdom ought to be preserved, and service ought to be rendered to the Sovereign (by the Peishwa), you should get from him orders as to what course is determined upon in future, and forward them.

b. The following letter, written on the 8th of December 1795 by Ballajee Janardhan to the address of Shrimon Chhatraputti Maharaj himself, reporting the death of the Peishwa, and requesting the Maharaja's instructions with regard to management of the state affairs, is thus translated :—

(*Extract No.* 131.)

To

SHRIMUNT MAHARAJ RAJASHRI,

The Chhatraputti, Ornament of the Kshatriya Race,

24th of lunar month Jamadilavel.

Obeisance of the servant Ballajee Janardan! The repeated entreaty of the servant is that he is doing well by the gracious countenance of the Sovereign.

Particulars:—(The contents of this letter are the same as given in the preceding extract.)

G. Any flagrant misconduct of the Peishwas was punished with deposal, and the affairs of the state were then conducted by a commission, or some special arrangement. Whenever the country suffered through the mismanagement or relaxation of the Peishwas, we checked them. I will here quote some instances of this nature.

a. When Narayenrao Peishwa was treacherously murdered by Raghunath Bajeerao in 1773, the Peishwaship was very reluctantly conferred upon Raghunath Bajeerao by our ancestors; but as it was improper to allow him to conduct the affairs of the empire, as he perpetrated this lamentable murder, he was soon after deposed from the Peishwaship, and the affairs of the kingdom were ordered to be managed by four persons,

namely, Bhavanrao Pundit Prutinidhi, Trimbakrao Vishvanath, Sabajee Bhonsley Senasaheb Subha, and Wamon Govind. Orders were also given to all the Sirdars on the 1st of March 1774 to the following effect :—

(*Extract No.* 132.)

Bhavanrao Prutinidhi.
Murarrao Hindurao Ghorepade, Mamulkutmadar Senaputti.
Wasudeo Anunt.
Khanderao Darekur.
Samasta Sena Dhurandhar Sabaji Bhonsale.
Ragho Bapuji.
Balaji Palande.
Nagoji Raut.
Yesaji Deo Kate.
Bhagvantrao Loskur.
Mulhar Jagjivanrao.
Satvaji Gavade.
Anundrao Nimbalkar Naik.
Mahipatrao Ghorepade.
Apajirao Patankur.
Ramchundra Damodur.
Madhavrao Tukdeo.
Baburao Patankur.
Janrao Patankur.
Ranoji Naik Nimbalkur.
Vanagoji Naik Nimbalkur.
Murarrao Jadhav.
Nursingrao Dhayagude.
Trimbackrao Vishvanath.
Wamonrao Govind.
Subhanrao Patankur.
Shabajirao Bhonsale.
Luxmonrao Govind Chitnavis.
Khanderao Bapuji Chitnavis.
Anundrao Gopal.
Anundrao Baji.
Bhivarao Yeshwunt.
Chiranjiv Maloji Naik Nimbalkar.
Loyaraji Naik Nimbalkar.
Anundrao Bhicaji Raste.
Darkoji Nimbalkar.
Krishnarao Bulwunt.
Hanmuntrao Jadhava.

These thirty-eight persons are informed by our order that Raghunath Bajeerao caused the death of Narayenrao Pundit, Pradhan (Peishwa), which you all witnessed. This (our state) is a righteous kingdom, and the deed committed was wicked. Subsequently Raghunath Bajeerao requested the dress (*khilat*) of Peishwaship, which we were unwillingly constrained to grant; but the bounds of the office of Peishwaship have been altogether transferred; great excesses have been run into. Hence he (Ragoba) has been deprived of the Peishwaship. You have been servants of the kingdom for four generations. If the kingdom be threatened with danger, it is the duty of its servants to adopt means for its security. Hence we have fixed upon Rajashri Bhavanrao Pundit Prutinidhi, Trimbakrao Vishvanath, Sabajee Bhonsley Senasaheb Subha, and Wamonrao Govind (as commissioners). Therefore, living in obedience to them, and rendering service to us, you should so act to give satisfaction to your master.

b. When our sovereignty suffered on account of the Peishwas' negligence and mismanagement, we checked them, and warned them to be more careful in their management of the state. The following is a letter written to the Maharaja by Nana Furnavis, in answer to an order sent to him by His Majesty when the Hon'ble East India Company took Bassein :—

(*Extract No.* 133.)

The letter graciously sent (by your Majesty), being received (by me), afforded an

acquisition of pleasure. The purport of the letter expressed in detail, to the effect that we should not feel sorry for the loss of the station of Bassein, was understood. As for that matter, there was good preparation for battle at that station. Our forces had approached, but the courage of the commander of the station somewhat failed him, in consequence of which the place was lost. But since the glory of the Sovereign's merit is puissant, where can the station go? (*i.e.*, we shall soon recover it). Your servant and men are in high spirits. Everything will become right by the grace of the Sovereign.

c. In several letters received from Bajeerao to the address of Shahu Maharaj II. and his mother, he had stated that he would regain part of the country encroached upon by certain Chiefs. He wrote this with a desire that the Maharaja should not labour under any anxiety, and with the desire to pacify His Highness's anger. The following is the translation of a letter from Bajeerao to the address of the Maharaj Chhatraputti, dated the 9th April 1798 :—

(*Extract No.*.134.)

I have received the letter of 9th Saval, and understood its purport. In connexion with it, I have written to Rajashri Madhaorao Anunt, who will request the Sovereign in my behalf. As for the rest, your Majesty ordered that I should keep in mind that the petty Chiefs have taken possession of territory and forts yielding a revenue of thirty lakhs of rupees. But then, by the Maharaja's grace, it is not a matter of great moment. The Sovereign will see the service rendered by me of recovering the territory and the forts.

II. Here I offer evidence to prove that all sorts of grants, such as inams, sarinjams, jaghirs, and any alienations whatever, were only made with our permission, as our sanction was necessary for the confirmation of them.

a. Some grants had been made to Nizam Alli Khan Bahadur at the time of Madhavrao Bullal and Madhavrao Narayen, but the usual sunnuds for the same had not been granted at the time of both the Peishwas. According to the prevailing custom, the seals of the names of the aforesaid Peishwas were brought and kept at Sattara after their deaths, whilst the grant was in the possession of Nizam Alli Khan Bahadur. At the request of the said Nizam Alli, the formal recognition of our ancestors to the aforesaid alienations was solicited by the Peishwa ; then only sunnuds were issued in the usual manner confirming the grant. The following is a letter addressed by Nana Furnavis, on the 12th of the month Tavilakhar, to the Mamlutdar of this place, requesting our sanction for the issue of sunnuds for the aforesaid grant :—

(*Extract No.* 135.)

The late Shrimunt Madhavrao Saheb (Peishwa), in the year Tissa Shitain, gave Petta Dhoki, District Nuldoorg, Taluka Andure, Pargana Dharur in jaghir to Rukmut Dowle

Dimunt Nawab Nizam Alli Khan Bahadur; and Shrimunt Rajashri Madhavrao Saheb (the younger), in the year Khammas Yabain, gave him in jaghir Petta Mhaswa and District Nadeo. At present three sunuds, prepared by Government in the name of the Nawab and dated those years, have been separately forwarded, and Tirthaswarup Rajashri has been written to for the purpose of affixing to them the seals of the two Shrimunts (Peishwas). Therefore you should place the former seals on the sunud. The seals of both the Madhavraos must be affixed.

b. When the village Kothar Chincholi in Taluka Pedgaum was given in enam to Govindrao Krishna, Ballajee Janardhan *alias* Nana Furnavis wrote a letter to the Mamlutdar of Sattara, on the 17th of the month of Jilkad, soliciting our sanction for the grant and for the issue of usual sunnuds :—

(*Extract No.* 136.)

Royal deeds of the grant of the village Mouje Kondhar Chincholi, Taluk Pedgaum, to Govindrao Krishna must have been prepared. Requesting His Majesty the Lord Shrimunt Maharaj, you should at once get His Majesty's seals to them, and deliver them to him.

c. When Mouje Sirdhona, Prant Wai, was given to Janoba Naik Wakdey in enam, Nana Furnavis wrote to the Mamlutdar of Sattara, on the 26th day of the month of Ramjan, to obtain our permission for the same :—

(*Extract No.* 137.)

The village Mouje Shirdhop in the Wai district is bestowed on Jinbanaik Wankade as *enam*. A sunud has already been presented for the purpose of issuing royal deeds of the grant. Accordingly you should prepare and deliver them.

d. The following letter was written, on the 29th day of the month of Moharam, by the Peishwa Bajeerao Raghunath to the Mamlutdar of Sattara, requesting our permission for the grant of a village and some land granted in enam to Anant Bhat and Harbhat-bin-Govindbhat :—

(*Extract No.* 138.)

Vedamurti (learned in the Veds) *Rajashri* Anant Bhat and Harbhat-*bin*-Govindbhat, surnamed Pitre, have been given a village and land in *enam*, and despatched with letters, in accordance with which I have written to *Rajashri* Krishnarao Anant. Therefore you and he together should request His Majesty the Maharaj, and deliver him the deeds.

I have not noted down here instances of all grants made from the time of Ballajee Vishvanath up to that of Bajeerao Raghunath, as the few cases noted in the aforesaid paras. will sufficiently prove that our sanction for the confirmation of such grants was urgently necessary.

I. To declare wars or to fight battles in the country, our permission, either oral or written, was required, as the Chiefs and Sirdars of the

empire often hesitated to undertake such hazardous undertakings until they were specially desired by our ancestors to obey Peishwas' orders. The Peishwas often reported to us of success or defeat in battles. The following are a few instances of the kind.

a. I solicit your Majesty's attention to a portion of the report submitted to the Government of Bombay by General Briggs whilst he was Resident at Sattara.

(*Extract No.* 139.)

This report is quoted under extract No. 124.

b. I now beg to lay before your Majesty translation of the report submitted to us by the Peishwa Madhavrao Narayen, giving the account of the battle fought with Nawab Nizam Alli Khan of Hydrabad in 1795 at Khurda. The Peishwa's report of 6th May 1795 is as follows :—

(*Extract No.* 140.)

I already informed your Majesty, by request, that Nawab Nizam Alli Khan Bahadur did not pay quietly and regularly the tribute for the *svaraji*, and that some of his ways appeared (likely) to involve the sovereignty in difficulty; that hence, deeming it necessary to make war, I prepared for war. Afterwards I sent word, as was proper to do so, to the Nawab, telling him it was better that whatever misunderstanding there might be should be mutually removed; that payments due to us should be made, and war averted. But his Karbharis, not seeing far and wide, poisoned the Nawab's mind, and with a rich equipment of fifty or sixty thousand of his troops, forty thousand *gands*, &c., they commenced advancing from Beder by forced marches, when it became necessary for us also to march. Therefore the army of the Sirkar, by forced marches, halted on the Seena, within a distance of 40 miles from the enemy's camp, and sent word from thence to the enemy, who would not listen, but, crossing the pass of Mahori, made a halt on the river Khar. Then Rajashri Parasharam Ramchandra and Ramachandra with an equipment of the Huzarat (troops royal), Vittal Ballal with auxiliaries despatched by Raghoji Bhonsale Senasaheb Subha, Jivaji Ballal with auxiliaries including a *cumpoo* (detachment trained by a European), and Kashirao and Bapuji Holkars sent by Rajashri Tukoji Holkar, &c., with horses were despatched against the enemy. They were eight miles on this side the Khar. Some of the Nawab's forces advanced, and a firing took place between them. Then, on the 19th of Saban, the Nawab, leaving the Khar, marched in the direction of Paranda, and the forces of the Sirkar prepared for fight, upon which, leaving the direction of Paranda, the enemy turned back upon them, and a battle ensued. The fire of the artillery commenced from the third watch of the day, (continuing) till after the first half of the second watch of the night. The Huzarat, with their arms, did the most by compelling the Nawab's army to retire, and dispersing their compact body. Victory declared for the Maharaj. Many of the elephants, horses, and men of the Nawab were slain and wounded. Two or four distinguished generals of his army were wounded and killed. Cannons, kettle-drums, camels were captured; camp-followers, &c., were plundered. Some horses and men of the Sirkar's army were killed and wounded. Parasharam Janardan received a slight cut from the sword. The Huzarat (troops

royal), Bhonsale, Jewaji Ballal in Scindia's service, and Holkar fought well. The Nawab then sought shelter in the fort of Kharda, and the Sirkar's ready forces, following him, besieged him on all sides. Being unable to hold out longer, the Nawab negotiated for peace, and his Karbhari, Moumu Dowla, exerting his influence with the Sirkar (Maharaj), leaving his master came to our side. The Nawab's army was on the point of total destruction ; but since the Nawab's friendship and alliance were of long standing, a treaty with him was concluded, by which he ceded the fort of Dowlutabad and a jaghir of 32 lakhs of rupees, and the settlement of the amount of the tribute for *svaraj* and of other questions was effected. The Nawab, by forced marches, returned to Beder. Your servant (*i.e.*, Peishwa), also leaving by forced marches, returned to Poona. I have made this humble report for the information of your Majesty.

c. When the Hon'ble East India Company were advocating the cause of Raghoba Rao Dada, dissensions arose between the Peishwa and the Hon'ble Company, and a battle was fought* at Talegaum between them. The account of the battle, furnished by Nana Furnavis in his letters to the Mamlutdar of Sattara, dated the 24th day of Jamadilaval and 29th day of Jilhej, is as follows :—

(*Extract No.* 141.)

Letter of the 24th Jamadilaval is as follows :—

You wrote that when the Ingrez (English) had ascended the Ghauts, Her Highness Shrimunt Maharaji Matushri Aee Saheb, and His Majesty. Shrimun Maharaja the Illustrious Chhatraputti, had been anxiously wishing for their own victory and the defeat of their enemy (English). That it so happened accordingly, and caused delight, and that I should now give a detailed account (of the battle). So then the Ingrez Gadar (General Goddard), with a large force, infantry, guns, ammunition, and baggage, intent upon giving battle and ascending the Bhore Ghaut, took his station in a difficult place, where a powerful army would have proved inefficient; still Rajashri Hurree Punt, halting near Kandala with his army, and advancing thence in the night and day towards the camp of the Ingrez (English), discharged his artillery and arrows, and the Margirees, Karols, &c., dismounting from their horses, marched on pressing. Rajashri Parasharam Punt Bhao was despatched with forces below the Ghauts to obstruct the passage of the Ingrez (English), and to press them. He, descending the Ghauts, and twice marching against the regiments of Gadar (Goddard), which were proceeding with reinforcements to Bhore Ghaut, fought with them, killed three or four hundred of them, and secured a plunder of their tents, pavilions, ammunition-carts, silver plate, five thousand bullocks, horses, &c. After this, as soon as news arrived that a reinforcement of five regiments was about to march from Panwell, Rajashri Tukoji Holkar also descended into the Konkan, and he and the Bhao attacked the regiments of the Ingrez (English) that were marching. Though without guns, the (Karols) dismounting, and others pushing their horses, reached the fortifications (lines) of the Ingrez, and used their weapons. They fought hard, and in that battle also the Ingrez (English) lost four or five hundred men in killed and wounded. On our side also there was a loss of horses and men killed and wounded. Theirs (the English-

* See also Grant Duff's History of the Mahrattas. Chap. XXIX.

men's) camels, carts, muskets, &c., were plundered, and, struck with terror, they reached Kampoli, having been reinforced by two regiments sent by Gadar (General Goddard). But these were also subjected to heavy losses. On the other side, also, Rajashri Hurree Punt, advancing above the Ghaut with his forces and guns, made a furious onslaught on Gadar (General Goddard). Gadar was closely hemmed in on both sides, and hard pressed. It was impossible for him to get reinforcement or aid again. There was dearth of provision, &c., in his camp, nor was there any hope of holding out in the same place. In this strait, Gadar (General Goddard), on the night of the lunar month of Rabilakhar, commenced marching down the Ghauts with his forces and ammunition. As soon as Hurree Punt got intelligence of this, he prepared to overtake him, but Gadar (General Goddard) had descended below, and Hurree Punt began to harass him from above. Next day the Ingrez (English) began their march below, when he (Hurree Punt), descending, overtook them; and on the other side they were pressed by Holkar and Bhao (Parasharam Punt). A well-contested battle took place, owing to which the Ingrez (English), being terrified, left 100 or 150 of their dead (on the field), as they had no time to remove them. Carts and carriages, gunpowder, thousands of cannon-balls (of the enemy) were captured. The Ingrez (English) on that day lost between three and four hundred men. Being sorely perplexed, they marched to Kalapore. Then, on 26th Rabilaval, they commenced marching to Chowka, when also Hurree Punt, Holkar, and Bhao (Parasharam Punt) hemmed them in on three sides, and gave them battle. That day also the Ingrez (English) lost between 500 and 700 men in slain and wounded, and their ammunition, muskets, carts fell into our hands. Thence on 28th they began their march towards Panwell; then also our generals, having overtaken them, pressed them hard. They (our generals), pushing their horses to their (the English) fortifications, engaged them. A thousand or twelve hundred of their men were wounded, and four distinguished generals fell on their side. One or two of them were good warriors of the type of Gadar (General Goddard). Innumerable guns and cannons fell into our hands; camp-followers, &c., were plundered; cannon-balls were captured in numbers. On our side also a considerable number of horses and men were slain and wounded. But the Ingrez (English) have been struck with terror. They have been reduced to heavy losses. They did not even find time to remove the dead (from the battle-field); with the greatest difficulty they made for Bombay towards the sea-shore. Thus, by the renown of the Maharaja, our Sirdars achieved success. All was due to the Maharaja's renown; whatever takes place in future will come to pass by the Maharaja's renown, and will benefit this kingdom. There need be no anxiety. Rajashri Gunesh Punt Behere is at Yonagad with forces, and he also considerably chastised the regiments of the Ingrez (English) which had been there. Now Rajashri Baji Punt also has been despatched from the Konkan with forces to invade and harass the whole of the Vasai Taluka (Bassein district), and the country as far as Surat. I have written that every particular might be known. May it be made known to Her Highness Shrimunt Maharaji Matushri Aee Saheb and His Majesty the Maharaja.

(*Extract No.* 142.)

Letter dated 29th Jilhej—

Shrimunt Dada Saheb (Raghunathrao Peishwa), with the regiments of the Ingrez (English), having reached Khandala by Bhore Ghaut, proceeded thence to Talegaum. The army of the Sirkar (Maharaja) was indeed in his rear. Both the Sirdars, Scindia and Holkar, and the royal troops surrounding them, discharged their cannons and arrows at

them. He and the regiments of the Ingrez held out two days. But having to bear the brunt of battle on all sides, having no provisions, and seeing our forces lying near, they could not hold on, and, considering that if they held on, they would even be unable to retrace their steps, on the midnight of 23rd Jilhej they commenced their flight. The Chhabina (horse-guards) were already there, and both the Sirdars and the royal troops arrived and pressed them hard. Their tents and pavilions, three guns, and two garnallas (mortars), and muskets fell into our hands. The whites (English) and others on the side of the Ingrez (English) were killed and wounded. Shrimunt Rao Saheb (the Peishwa) Madhaorao Narayen is meritorious. All this comes to pass by the glory of his merit. At Wadgaum the Ingrez (English) were hemmed in on all sides, and could not proceed to Bombay. Hence they despatched an ambassador with great humility to treat, and it was agreed by the treaty that the Ingrez (English) should give up Sashti (Salsette), Oorun, Yesava, and Dharavi and Jambusar, &c., in Guzarath, wrested by them from the Guikowar; that Shrimunt Dada Saheb (Ragoba) should live with Scindia; that, until the treaty was brought into operation, two superior Ingrezs (Englishmen) should be given as hostages; and that the Ingrez (English) should be conducted to Bombay with our forces. Thus I have written for your information. The Shrimunt (Peishwa) gained success by the glory of Shrimunt Maharaja Chhatraputti (of Sattara).

J. I beg now to add a few instances to show that Scindia, Holkar, the Guicowar, the Bhonsala of Nagpore, and all other Sirdars did not make war, or enter into any other military undertaking, on the sole authority of the Peishwa, without a ratifying note from ourselves.

a. When the title of Senasahib Subha was transferred from Sabajee Bhonsale to Shivajee Bhonsale, who was a promising Sirdar and had rendered service to the state, no one would recognize his title conferred by the Peishwa (Gungabai, the wife of the Peishwa Narayenrao Ballal, being deputy), as we had not issued notes confirming his title; and the Peishwa requested, in the following letter (from Gungabai to the Mamlutdar of Sattara, dated 17th Moharam), that mandates should be issued under our signature :—

(*Extract No.* 143.)

Mandates under the Maharaja's hand are required. A yad and draft of it have been separately forwarded, according to which, having requested the Maharaja, you should send the notes under his hand.

Another letter from Gungabai to the Mamlutdar of Sattara, dated 1st Saffar, runs thus :—

(*Extract No.* 144.)

The Nawab has assembled troops to serve under Shivaji Bhonsale; therefore a list and a draft have been sent, according to which you should forward mandates under the Maharaja's signature. The Sirdars raise doubts without mandates under the Maharaja's hand.

Having received these letters from Gungabai and allowed some days

to pass, the Maharaja, after mature consideration, issued the following orders to the Sirdars :—

(*Extract No.* 145.)

To Musulman Sirdars.

Hastakhan Mastakhan.
Mahamad Aminkhan.
Hydur Aga.
Joravar Khan.
Kadar Dadkhan.
Rasool Khan.
Jezwar Khan.
Bilund Khan.
Roshan Khan.
Teje Khan.

To Mahratta Sirdars.

Govindrao Mukundrao.
Kashirao Mukundrao and Ramchandrarao Patankur.
Bahirrao Patankur.
Jogoji Yadao.
Subhanrao Patankur.
Balcrishnarao Patankur.
Heibatrao Babur.
Luxumonrao Patankur.
Gungaram Jadhav.
Gungaji Sinde.
Bhavani Avale.
Kesarsing and Bahersing.
Ranaji Karod.
Nimbaji Bhonsale.
Yeshwùntrao Yadao.

The title of Senasaheb Subha has been conferred on Shivaji Bhonsale. Therefore, serving under him with attention to your master (Maharaja), you should perform service with unswerving devotion, and give proof of it. (7th April 1775.)

b. When the above-named battle of Khurda was fought between Nizam Alli of Hydrabad and the Mahrattas, the Peishwa and Nana Furnavis had submitted letters to us in the name of the Mamlutdar of Sattara, requesting orders from us to the several Sirdars to assist the Peishwa, and the orders accordingly had been issued. The letter submitted by Nana Furnavis is as follows :—

(*Extract No.* 146.)

Agents were sent to treat with the Nawab Nizam Alli Khan Bahadur for the arrears of tribute for several years due to the sovereignty. But he does not pay them off. Our tribute is going to the wall, and the conduct of his Karbhari is not good. Prepared with forces, artillery, &c., we are about soon to set out in an auspicious moment to levy the tribute on his districts. In case an opposition is offered to the levy of the tribute, it will be necessary to have recourse to arms. Hearing of our preparations, the Nawab has sent agents to negotiate, but their negociation is not calculated to dispose of the questions in a straightforward manner, and make no default in future. Hence, deeming that nothing but recourse to arms will serve, we have determined upon war. To this effect the Shrimunt (Peishwa) has forwarded a letter of request to the Maharaja. We set about the expedition in an auspicious moment (on Margashirsha *vadya* 1), and the Shrimunt (Peishwa) has auspicious time to set out on the expedition on the *vadya* 8th of the same month. Dated 13th Jamadilaval.

c. The following is another letter of Nana Furnavis to the Mamlutdar of Sattara :—

(*Extract No.* 147.)

The mandates, under the seal of the Illustrious Sovereign which were received before, have been forwarded to the camp. But the road being difficult, it is not certain that they will

be received. Therefore sealed mandates, as per former list, and in addition to it in the names of Maloji Ghorepade, Dowlutrao Ghorepade, with his son Bahirji Ghorepade, should be immediately forwarded.

d. The following is the Peishwa's letter in the Mamlutdar of Sattara's name :—

(*Extract No.* 148.)

In order that, if necessary, the Sirdars may be possessed of mandates under the Rajashri's (Maharaja's) seal, Hurree Punt has written to that effect to the revered (Mr.) Kushaba. Accordingly you should send them. They will possibly not be required. But perhaps if some naughty fellows ask for them, then those mandates will be useful. That is all.

K. If it had been true in fact, as erroneously believed by some British statesmen, that the Maharajas of Sattara had been the Peishwas' dependents and prisoners, how could they have been permitted thus to crown themselves kings from time to time by the issue of these regal proclamations ? And if they had been under restraint, whence had they a right to exercise sovereignty above the Peishwa himself ? But if they were crowned monarchs, as it is thus shown they were, the fact of such kingly state is quite inconsistent with their constant confinement by the Peishwas, as was carelessly alleged by Mr. Mangles and others. If the Maharajas of Sattara had been the Peishwas' prisoners, why, then the Peishwas themselves would have been crowned as Maharajas. But as this was not even so much as dreamt of by the Peishwas, the regal supremacy of my ancestors cannot be called in question. The following letters of the Peishwas, in connection with the coronation of my ancestors, place the above matter in a still clearer light. When Shrimunt Shahu Maharaja II. *alias* Aba Saheb Maharaja ascended the throne in 1778, Madhaorao Narayén was the Peishwa of the time, and, on the Maharaja's enthronement, he sent letters as below—

a. The following is a letter from Madhaorao Narayen, dated 1st Saffar, to the Maharaja's address :—

(*Extract No.* 149.)

Having received the mandate of the sovereign, and bowed my head to it, I became delighted. Rajashri Mahad Aji Nilkunt and Amruthrao Vishvanath arrived. The mandate informs that "these and the respectable Bramins and Mahrattas of Sattara having assembled on Margashirsha *vadya* 8th (Friday), the Maharaja was inaugurated according to the ceremonies in an auspicious moment, and, ascending the throne, has sent you (Peishwa) a seal, sword, a golden flag, dress, and an elephant in charge of Amruthrao Vishvanath." Therefore, having heard the Maharaja's ascension to the throne at an auspicious time, I was extremely delighted, and the seal, sword, golden flag, dress, and a valuable elephant being graciously sent by the Maharaja, and having bowed my head to them, I accepted with the greatest respect. I have written this to inform the Sovereign,

b. Here is another letter from the same Peishwa to the address of the Mamlutdar of Sattara, dated Rabilaval 6th :—

(*Extract No.* 150.)

I have forwarded a dress, accompanied by a *khalita*, to be sent to Nawab Nizam Alli Bahadur on account of His Majesty the Maharaja's ascension to the throne. Therefore, placing two seals, one on the envelope of the letter enclosed, and the other on the bag, you should forward them here.

c. Again, in another letter from the Furnavis to the Mamlutdar, dated 12th December 1778, there is the following :—

(*Extract No.* 151.)

You wrote—"In this difficulty was the Maharaja crowned. A seal, sword, golden flag, &c., have been sent to the Shrimunt (Peishwa). Though the enemy was very powerful, and the days were of a particular kind (unfavourable), the enemy was defeated, and we gained success. Victory declared for the Rao Saheb (Peishwa), who is therefore a very meritorious person. The old feelings have been relinquished (by the Maharaj), and reconciliation is now taking place. Nothing else. * * *' Then the renown of His Majesty the Sovereign is great. What you have written is indeed true. The Rao Saheb is young, and the kingdom is in a state of disturbance. But of this all Divine Providence has the care. Our business is to behold what wonder He will display. Since you are there, we are perfectly confident that the Maharaja's reconciliation will continue unabated. As for the (Maharaja's) marriage, you should write to us after having well ascertained whose girl is fine, and all about her family, and the marriage can be celebrated accordingly. You should write without making a noise, and after minute inquiry. The Mahales also are negotiating here (for the marriage).

d. The following is an extract from a letter in his own hand-writing addressed by Bajeerao Raghunath, the Peishwa, on 15th May 1808, to my brother-in-law, the late Shrimunt Pratap Singh Maharaj, at the time when he ascended the throne:—

(*Extract No.* 152.)

I have sent Trimbakji Dengale to your Majesty. He will request your Majesty to ascend the throne, and enter the household stage of life (matrimony). I am wishing for your Majesty's order to the effect that his request has been graciously accepted and acted out.

e. The following are the contents of a letter by Nana Furnavis to the Mamlutdar of Sattara, dated 24th Gilkad :—

(*Extract No.* 153.)

I have learnt of the coronation of His Majesty Shrimunt Maharaj as you wrote. In consequence of it, "salutes of guns, expressive of joy, took place here (at Sattara)." What more or less I (Mamlutdar) wrote to accomplish the object has come to pass. Thus you wrote at length. Hence I consider your writing as but a favour.

L. I beg now, with your Majesty's permission, to show, by evidence furnished by the Peishwas themselves in writing, that the dominion

conquered from Bajeerao Raghunath by the East India Company did not belong to the Peishwas, but to us. In support of these statements, I will presently add letters from the Peishwa.

a. It is a custom in this country for a prince to retain a certain portion of the public revenue of his territory for the expenses of his household, and assign the rest for the benefit of his sovereignty. The revenue assigned to the maintenance of the prince's family is called "khasgi" (civil list), while that devoted to the administration of the dominion is called "dowlut." There have been some most righteous Indian sovereigns who maintained themselves by the sweat of their brow and their private resources, without taking a pice from the public revenue. This was a long-established practice of the Maharajas of Sattara in conformity with the custom above alluded to, and I believe the same practice is worthily observed in your country by your gracious Majesty.

b. Not to enlarge the limits of this appeal, I will only produce one or two instances of the time of Bajeerao in support of what I have advanced above. The following is a letter from Bajeerao Raghunath (dated 25th Saban, Tissa Mayateinwala), which distinguishes "dowlut" from "khasgi":—

(*Extract No.* 154.)

The mandate of 11th Saban, graciously sent by your Majesty, was received at a favourable time, and gave extreme delight. In it your Majesty orders that you are at present become desirous of seeing me, and that, if the turn of affairs here allow me leisure, I should come to see you. Therefore your Majesty's servant (Bajeerao), reading every letter of the mandate honouring me with a call to visit, was extremely delighted. I was greatly anxious to see your Majesty, and your Majesty's command is also to the same effect, but with a reservation that I should visit if the turn of affairs allow me leisure. So when the affairs of the *Dowlut* give me time, and thus an opportunity offers to see your Majesty, a request to that effect will be made for previous information. May orders in the same strain be always sent to the servant (Bajeerao) so as to afford him delight.

c. When the mother of the Raja my late husband died in 1812, sums of money from the "dowlut" were applied from time to time to the performance of her funeral ceremonies. The following letter from Bajeerao, requesting that some of the expenses might be borne by the "khasgi," makes a clear distinction between "dowlut" and "khasgi":—

(*Extract No.* 155.)

I received your Majesty's letter, dated 12th Jamadilakhar, ordering that Ragho Ballal will fully inform me of the counting of the (late) Aee Saheb's treasury, and the expenses of her funeral ceremonies; that Trimbakji Raji Bhonsale should be sent with two thousand rupees; and that Rajashri Parasharam Kesheo Oke should be sent to your Majesty's presence, who will (on return) convey your Majesty's commands to me.

Accordingly I will learn from Naghopunt Joshi the account of the funeral ceremonies and the treasury of the (late) Aee Saheb. Whatever is to be given to Trimbakji Bhonsale should be paid out of the "khasgi" after consultation between your Majesty and Raghopunt. I have despatched, according to your order, Parasharam Punt Oke, who may have reached by this time. Whatever commands your Majesty wishes to make should be forwarded with him, who will convey them to me. Your Majesty is able, by always sending letters, to afford me delight.

M. I will now subjoin letters to show that it was our prerogative to transfer, for proper reasons, the office and title of Peishwa itself, from one person to another as we thought fit, and that how, owing to the exercise of this important prerogative, the Peishwas carefully attended to the safety of our person and our sovereignty, and vigilantly administered its affairs.

a. In 1811 Yeshwuntrao Holkar, entertaining a grudge against the Peishwa, made his wish and resolve known to Bajeerao of coming to the Deccan under a pretence of making pilgrimage to the sacred shrine of Jejuri. The Peishwa, apprehending danger from this intelligence, wrote, on 17th February 1811, a letter of request to the Maharaja, expressing his great zeal for the tranquillity of our kingdom and for the safety of the Maharaja's person, and admitting our order passed once to give to Yesoda Bai (wife of the Peishwa Madhavrao) permission to adopt and the dress of the title of Peishwa conferred on Chimnajee Madhavrao, the adopted son ; as also the investiture, at one time, of Vanayek Amruth with the title of *Peishwa*. The letter was in Bajeerao's own handwriting, and is as follows :—

(*Extract No.* 156.)

To His Majesty Shrimunt of the royal Kshetry caste and of high imperial family, Maharaj, Pretap Seunhw Chattraputti (i. e., of imperial dignity), obeisance (from the subject and servant to the sovereign and master).

Poona, the 22nd of the month of Moharam, 1211 *of the Arabic Era, corresponding to the 11th of February* 1811.

Bajeerao Raghunath Prudhan (*i. e.,* prime minister), the humble subject and servant of your Majesty, is, by your Majesty's grace and favour, in the enjoyment of health and happiness.

The chieftain Yeswantrao Holkar informs me that he is not in a good state of health, and is, therefore, desirous of paying a religious visit to Jejuri (a place of veneration near Poona), to perform his devotions essential to the recovery of his health. Should leave be granted him to come, well and good : if not, he means to proceed there without permission, as his life, he says, is in danger, and it becomes necessary for him to perform his devotions at that place.

With this ostensible purpose, he will certainly come to the Deccan ; and, being here,

no one can tell what may be his ulterior designs. I have already represented to your Majesty in full the differences which exist between Yeswantrao Holkar and myself. I do not, therefore, see how I can remain here if he should think proper to advance into the Deccan. In that case I should be obliged to proceed to Vijédrug.

I have my apprehensions of Holkar's designs here. Your Majesty is aware that Parasharam Bhao Patwardhun some time ago, having prevailed upon Yesodabai (Mahadaorao, the late Peishwa's wife) to adopt Chimnajee Raghunath, invested him, by your Majesty's favour, with the style and dignity of Peishwa, obtaining for him, at the same time, the sword, *khilat* (dress), and seals of office from your Majesty. In like manner, your Majesty knows that subsequently to the above proceedings, Yeswantrao Holkar was instrumental in causing Venayekrao Amruth to be adopted by the former Peishwa, and obtained the *khilat* and seals of office of that dignity from your Majesty.

The fort of Sattara not being deemed of sufficient strength, as your Majesty is aware, Sewaji Maharaja Chhatraputti was induced to fortify the fortress of Raigur, and make it his principal residence. I would here humbly venture to suggest to your Majesty the desirableness of fixing your residence at Raigur. Sadasew Mankeshwer (the Peishwa's own minister) and myself think that Sattara is not a proper place for your Majesty's abode. In troublesome times it is not sufficiently strong or safe for your royal person. I therefore humbly request your Majesty will make known your royal pleasure respecting the expediency of removing to Raigur.

Should Yeswantrao Holkar come into the Deccan without occasioning hostilities, and re-cross the Nerbudda, according to an agreement which he must make to that effect, I would return from Vijédrug to Poona, and your Majesty could then return to Sattara: in the event, however, of Yeswantrao Holkar committing hostilities, or occasioning disturbances in the Deccan, your Majesty and your royal family could remain in safety in the fortress of Raigur until the return of peace. This is the petition of your humble subject and servant.

b. Translation of the reply to the above from the Maharaja, dated Sattara, 29th of Moharam, 1211 Hegira, corresponding to the 24th February 1811:—

(*Extract No.* 157.)

It is thus written:—

To the loyal and obedient Bajeerao Raghunath Pundit Pradhan, our Prime Minister.

You forwarded to us a memorial, dated the 22nd of Moharam, which we received on the 26th. The contents were, that Yeswantrao Holkar was not in a good state of health, that he intended to proceed to Jejuri to perform his devotions, &c., &c. With reference to the investment of Chimnajee Raghunath and Venayek Amruth with the office of Peishwa, you are perfectly aware that this was the consequence of your civil wars (alluding to the hostilities between Bajeerao and Scindia on one part, and Holkar on the other), in which each of you strove to obtain that dignity for purposes best known to yourselves.

It is your opinion and that of Sadasew Mankeshwer that the city and fort of Sattara is weak and incapable of defence, therefore that we should not remain here. It is our pleasure to go with you to Vijédrug, or anywhere else you may think proper to proceed. Your difficulties are ours, and we have no strength but in you. By your zeal and

devotion in the service of your Sovereign, you have, on former occasions, overcome the obstacles you encountered. The Almighty will remove all difficulties which may occur in future. What more should be written. Let this be respected.

Dated the 29th of Moharam, 1211,
corresponding to the 24th February 1811.

N. Lastly, I beg to add a few instances to show that, during the administration of the Peishwas, the Peishwas themselves, Scindia, Holkar, Guikowar, the Bhonsale of Nagpore, and all other Mahratta princes always apprehended or proceeded on the assumption that whatever political measures they undertook, whether beneficial or otherwise, were undertaken with a due regard to the interests of our state, the great Mahratta Empire. It was, in fact, a general understanding that the extensive Mahratta dominions were ours ; and whether any one of those princes declared war or made peace, or was offended with any of his officers, it was all done as with our permission—

a. Translation, abbreviated, of the letter from Mahdevarao Narayen to Maharaja Shahu Chattraputti, dated 14th October 1783:—

(*Extract No.* 158.)

The 6th of Zilkada, anno 1184.

MAY IT PLEASE YOUR HIGHNESS!

With your Highness's favour, I am at present in the enjoyment of health. Your Highness is aware that a Treaty existed between your Highness and the English; that the latter thought proper to violate it; and that, in the course of the hostilities which took place subsequently, your Highness's arms were victorious, all of which I represented to your Highness in a former petition.

In the new Treaty, however, which has been recently entered into between your Highness and the English, principally effected through the mediation of Mahadaji Sinde, it has been agreed on that the fort of Wasai, the city of Ahmedabad, and other forts and territories which were in the hands of the English, should be restored to your Highness. This event has taken place, and your Highness's authority has been restored in all the above-mentioned places. I sent Hariballal and Tukoji Holkar for Raghunathrao Dada, whom they have brought, and who has been confined at Kumbare Dherrangam (near the Godavery).

Mahadaji Sinde is with his army in Hindustan, and has seized the fortress of Gualiar from Ghodker. This I communicate for your Highness's information.

b. Reply of His Highness to the above :—

(*Extract No.* 159.)

We have received your *arzi* (petition), in which you inform us that a new Treaty has been made through Mahadaji Sinde, with the English, who have restored the fort of Wasai, Ahmedabad, with the other places; that you have succeeded in having Raghunathrao Dada seized and confined, and that Mahadaji Sinde has taken possession of Gualiar.

We know that the English kept Raghunath as an instrument to serve their own purposes. We know also that they ravaged the country and oppressed the inhabitants. They violated the first Treaty they made with us, and commenced hostilities, and now you apprise us that another Treaty has been entered into with them.

In our dominions are many vassals and other servants of the state; and it is very possible the English may again intrigue with some of them, as in the case of Raghunath-rao Dada. We have, therefore, our doubts with reference to the sincerity of the English. In order to establish the new Treaty on a sure and satisfactory basis, we enjoin you to write to the King of the English, and obtain, if possible, a ratification of the same. This Treaty, then, has been effected through Mahadaji Sinde, to whom it is proper you write to say that they (the English) first came to India as merchants to trade, and, having obtained permission to remain, have at last been emboldened to interfere in political matters, and create disturbances; that in his communications with them he should exercise the greatest caution.

It is our desire that no disturbances or wars shall occur in our dominions, and that our servants and dependants see that the people be not oppressed, but live in peace.

The 15th of Zilkada, anno (viz.) 1184,
corresponding with October 14th, 1783.

c. Letter from Nana Furnavis to the Mamlutdar of Sattara, dated 24th Gilkad:—

(*Extract No.* 160.)

Though the treaty had been confirmed, the Ingrez (English), from interested motives, have at present violated it. They have arrived at the port of the Ghaut, with Dada Saheb (Ragoba), and some have even come up to Bhore Ghaut. Hence we have advanced as far as Talegaum with Scindia and Holkar. I shall write what takes place in future by the providence of God.

d. The following letter from Bajeerao, in the name of the Mamlutdar of Sattara, will show that all treaties used to be concluded under our orders, and that almost all the papers relating to them remained in our own possession:—

(*Extract No.* 161.)

Yadis containing the articles of treaty formed between the late Shahu Maharaja and Nizam-ul-Mulkh are required, for which Sadasheo Punt has been despatched. Therefore, having looked for them, you should, without delay, send what may be found. You should carefully send the documentary *yadis* and letters after having searched for them and made a list of them.

e. When Ballajee Janardhan *alias* Nana Furnavis was imprisoned at the house of Dowlutrao Scindia at Wanavari, the following letter of request, dated 19th Rajub, was sent to us by the Peishwa Bajeerao—

(*Extract No.* 162.)

At two *ghatikas* (nearly an hour) before sunset on Sunday, Pausha Yad 13, Rajashri Ballajee Janardan (Nana Furnavis) was taken in custody at the house of Rajashri Dowlutrao Scinde at Wanawari.

76. I think I have proved to your Majesty's satisfaction in para. 75 of this Memorial that the Mahratta Empire about which so much is written and spoken by eminent statesmen and writers, which was once a terror to various powers in India and its neighbouring lands, and the resources of which attracted the eyes of distant countries, belonged undoubtedly and unreservedly to that noble and illustrious family from which I have the great honuor and pride to claim my descent, as I have intimated at the outset of the preceding para. To illustrate this subject to its full extent, I beg to lay before your Majesty certain evidences which will convince your Majesty that at the time of the Mahratta Empire my ancestors *alone* as *sovereigns* of it conferred *the hereditary offices* and *titles*, once the source of great pride of the Mahratta nation upon the Peishwa, Scindia, Holkar, Gaickwar, Bhonslay of Nagpore and many other Sirdars known to fame even at the present day. It is my ancestors also who suspended and deposed such Ministers and Sirdars for their misconduct or like reasons; who decided on the selection of successors or confirmation of them to any hereditary offices or chiefships; the formal investiture of important public offices of the Empire; and, in fact, all important State affairs or regal functions were invariably executed under the commands of my predecessors. The Peishwa, Scindia, Holkar, Gaickwar, Bhonslay of Nagpore and all other Mahratta Chiefs, Sirdars and officers were subject to our sovereignty, and ever acted in subordination to it. In support of this statement I beg to offer the following evidence :

A. General Briggs formerly a Resident at Sattara has fully supported this view in his report quoted by me in extract No. 124 of this Memorial which he submitted to the Government of Bombay on the 1st January 1826 (*vide Government Selections* No. 41 of 1857 pages 29-30).

B. The testimony borne by General Briggs to the several points above set forth fully establishes the truth of my statements. Therefore it is not necessary for me now to speak much more upon this extensive subject which is of great interest to me and my family, since eminent statesmen, like Sir Thomas Munro, Lord Hastings, Sir John Malcolm, Hon'ble M. Elphinstone, and Captan Grand Duff have left records about it though scanty and imperfect owing to deficiency of the information available at the time. However I think it advisable to take hold of this opportunity to offer documentary proofs from the records of my princely house of the appointments and occasional dismissals of the Peishwas from the time of Shrimant Chatrapati Sivajee Maharaja to that of Maharaja

Pratapsing. The following is a brief sketch connected with this point to which I crave your Majesty's attention.

a. (Shivaji Maharaja) His Highness first appointed Shamaraja Nilkantha Râjekara to the office of Peishwa which he held till the year 1658 A. D., when it was conferred upon Moro Trimal Pingley the founder of the first line of Peishwas.

b. (Rajarama Maharaja) He appointed Nilkantha Moreshwar the eldest son of Móro Trimal Pingley.

c. (Shahoo Maharaja) He invested Bahiropant Pingaley, younger son of Moropant with the Peishwaship, which he held till the year 1714 A. D., when it was conferred upon Balaji Vishwanath, the founder of the second line of the Peishwas. Balaji dying in 1720, he was succeeded by his eldest son Bajirao Ballala, who conducted the Peishwaship until his death which occurred in 1740, when his son Balaji Bajirao was appointed to succeed him. He died in 1761.

d. (Ram Raje) During this sovereign's time Madhavarao Ballala, succeeded to the office of Peishwa, which he enjoyed till his death in 1772. As Madhavarao Ballala died without issue, Narayanarao second son of Balaji Bajirao got the investiture of the office of Peishwa, which he held till the year 1773, when he was treacherously murdered at the instigation of Raghoba. Forty days after the murder of Narayanarao, the Khilat and Titles appertaining to the office of Peishwaship were graciously sent by the Maharaja to Madhavarao Narayana, the son of Narayanarao Madhavarao died in 1796 without male issue. When the Maharaja Chatrapati was pleased to permit Madhavarao's wife Yashodabai to adopt, and the adoption being made, the duties of the Peishwaship were allowed to be conducted in the name of Chimnaji Madhavarao, the adopted youth.

e. (Dhakte Shahoo Maharaja *alias* Abasaheb Maharaja) He appointed in 1796 Bajirao Raghunath to the Peishwaship and formally invested him with its dignity.

C. Were I to give full account of the appointments of all the Peishwas, it would exceed the limits of the Memorial. However I think it necessary to acquaint your Majesty with the circumstances under which Bajirao was favoured with the Peishwaship.

a. Bajirao Raghunath with a view that he might be invested with the office of Peishwa, made Nana Phadanavis his mediator who assured the Maharaja of his sincere devotion and unflinching attachment to the crown. Whereupon his Majesty was pleased to confer upon him the

office of Peishwa and the following order was issued to him on the 7th April 1796.

(*Extract No.* 163.)

Your letter of request dated the 22nd of the lunar month of Ramjan came to hand in which you have expressed that "I am a devoted servant of the crown and consequently wish to be serviceable to the Maharaja Balaji Janardana must have requested or will request your Majesty on my behalf to confer the office of Peishwa upon me. After the receipt of a gracious order from the Maharaja and a letter from Balaji Janardana, I will immediately attend on the Maharaja." This was made known to us. Balaji Janardana requested us to confer the Peishwaship upon you and communicated the firm devotedness of your father in consequence of which we were very much pleased; therefore taking into consideration your merits and the request made in your behalf by Balaji Janardana for conferring the office upon you, we are graciously pleased to favour you with the Peishwaship. You will hear every particular from Balaji Janardana. The more you are devoted and sincere towards our crown, the more will it be to your advantage.

b. Upon the issue of the above order, Bajirao sent a letter of request to the Maharaja Chatrapati, on the 7th of Suwala wherein he expressed his gratitude and made an assurance that should the office be conferred upon him, he would conduct it with humility and loyalty.

(*Extract No.* 164.)

An affectionate letter dated 27th of Ramjan graciously sent by the Maharaja with Rajashri Balaji Janardana was received at a favourable time and delighted me much. It would be your royal pleasure to encourage your servant by such tokens of your Majesty's affection. Your Majesty after acknowledging the receipt of my letter of request was pleased to send me a reply, in which your Majesty orders me thus:—"Balaji Janardana requested us to confer the Peishwaship upon you and we are graciously pleased to favour you with that office. You will get the investiture of the Peishwaship at our hands and will hear every particular from Balaji Janardana. The more you are devoted and sincere towards our crown the more it will be to your advantage."

Balaji Janardana might have assured your Majesty of my sincerity and devotedness, with regard to which your Majesty might (if necessary) refer to Balaji Janardana, who would submit his positive opinion in the matter. As I was born in the family of the late Tirtha Swarupa Balaji Vishwanath, to whom else should I look up than your Majesty? Your Majesty knows this well. Balaji Janardana would assure your Majesty of the same. Your Majesty would be graciously disposed towards your servant, if he were found to merit this favour by his faithfulness and loyalty to your Majesty. Were I to receive your Majesty's orders, I would personally attend upon your Majesty and submit my request personally to your Majesty.

c. The following is translation of a letter submitted by Bajirao Raghunath to the Maharaja Chatrapati on the 31st of December 1796. This letter is in Bajirao's own hand-writing and he sent it to his Majesty after he was invested with the *Khilat* of Peishwaship.

(*Extract No.* 165)

The present of the dress of honour, &c., relative to my appointment to the situation

of Peishwa, which your Majesty was pleased to send me, safely reached me at Hadapsir near Poona, at *Shivhalagna* (particular auspicious time of a day) I have accepted the present with the highest respect according to my knowledge. I am in all respects your Majesty's most devoted servant, who was highly gratified by the sight of the dress sent me. I have the support of your Majesty's feet only, and of none else, I therefore prostrate myself and lay my head at your Majesty's feet.

d. The highest gratification and excessive joy were expressed by Bajirao, when he was ordered, to use a seal in his own name, as his predecessors. Bajirao's obligatory letters of the 23rd April 1796 and 12th of Saval are connected with this point and are ready in the original for reference at any time. However I will append here the translation of the Sattara Mamaledar's letter to the address of Bajirao. From this your Majesty will perceive that the Maharaja granted this sanction after great deliberation upon, and stringent inquiry into Bajirao's integrity and fitness.

(*Extract No.* 166.)

Translation of a Mahratta Letter from Baboorow Crustna, to Bajirow Raghunath (Peishwa), dated 12th day of Survall, 1796 abbreviated.

This states that Balajee Pant Nana (Furnecs) came to the fort to visit His Highness the Maharaja, on the 9th of Survall, after visiting he requesting His Highness, as Bajeerow is to be appointed to the office of Peishwa, that the seal should be engraved at Sattara in his name. His Highness the Maharaja then replied, that the establishment of the Khasgee (the Court of Sattara) being on a limited scale of expense and that no measure has been yet taken to remove that difficulty, it is strange that you request my sanction. Besides His Highness inquired as to his (Bajeerao's) integrity in managing the affairs. Nana on giving satisfaction to His Highness in various respects, for Bajeerow's integrity, and for managing the affairs agreeably to what His Highness demanded, obtained His Highness' sanction.

(Signed) BABOORAO CRUSTNA.

D. If the Peishwas were our servants it is not necessary to say that they approached us as our servants. To prove this I can produce several letters received from the Peishwas and many from Bajirao himself. If your Majesty wants to refer to such original documents I can show them when they are required. However I will subjoin a few translations of such letters for your Majesty's consideration.

a. In 1817 Bajirao learnt that our ancestors sought aid from the Hon'ble East India Company on account of his failure in his allegiance towards our family: he being terrified wrote in his own hand-writing a submissive letter to the Maharaja on the 22nd Saphar in the year A. D. 1817 the translation of which is as follows:

(*Extract No.* 167.)

Rajashri Sadashiva Mankeswara came to Poona from Temburni. He and Trimbakji

Dengale spoke assuring and unsuspicious words in my presence that I should see your Majesty. As regards your pleasure and commands in this matter they also spoke as I had intimated to them. At the time of my going to the Konkan your Majesty saw me graciously at a distance like a tortoise and received my visit. The above named persons were greatly delighted at the mention of that matter. Having appointed that I should see your Majesty, a request was made in writing to your Majesty from which every thing would be understood.

b. Another submissive letter from Bajirao Raghunath to Shrimant Maharaja Chatrapati of 18th Saphar is as follows :

(*Extract No.* 168.)

The letter sent by your Majesty's was received at a favourable juncture and gave me extreme delight. According to your Majesty's orders I have written at length to Rajashri Parasharam Keshava Oke about the visit of the Rani Saheb to the Goddess and the marriage of Shrimant Rajashri Bhao Saheb. By hearing the contents of that letter every thing will be known. I have at present come to Kopergaum. There the bathing, drinking, and seeing of the venerable Ganga (the Godavari), and the remembrance of happy days of childhood passed in company of my mother, elder brother, and other members of the family have plunged me in a sea of joy. As requested by Rajashri Sadashiv Manakeshwar, I am about to see your Majesty. Day and night I am anxious to see your Majesty's feet.

c. The following letter was addressed by the same Peishwa to the Maharaja on 7th Moharam :

(*Extract No.* 169.)

Having taken permission of your Majesty at Sattara I went to the Konkan ; thence reached Poona at the third watch of (Monday), Magh Sud 4. Rajashri Sadashiv Mankeshwar has not come to Poona, but is expected. I have written this petition to make it known to your Majesty.

d. The following letter was dated 18th Gilkad :

(*Extract No.* 170.)

In obedience to the order to the *roy* (Baji Rao) despatched with your Majesty's page, commanding me to repair to Sattara, I proceed thither to your Majesty's presence without delay. After arrival there I will do according to your commands.

e. Another letter dated 7th Moharam is as follows :

(*Extract No.* 171.)

The order sent by your Majesty on 20th Gilhej came to hand. I accepted most honourably the sessamums mixed with sugar on account of the festival *Makar Sankramana* (winter-solstice) forwarded by your Majesty. Your Majesty must inform the three Shrimants (their Highnesses), *Rajashri* Bhao Saheb, *Rajashri* Apa Saheb, *Saubhagyavati* (auspicious *feme-covert*) Baee Saheb that I accepted their sessamums mixed with sugar. As for your order in the matter of the inauguration of the prosperous Nursoba (name of God) I have made a request to the pages despatched by your Majesty to be conveyed to you which they will do.

f. It is stated in my paragraph 75 that when in 1810 the Maharaja of Sattara went to Poona, Bajirao Raghunath carried the British Resident

at Poona to show respect to the Maharaja as a supreme ruler and conducted himself towards him as his servant. That for the most satisfactory arrangements of the Peishwa the Maharaja honoured him who in consequence wrote the following request dated 10th October 1810 to the Maharaja expressive of his joy :

(*Extract No.* 172.)

Your Majesty being extremely pleased with the arrangements made for your reception at Poona by your servant (Bajirao) honoured him in a letter of command dated 2nd Ramjan, and your servant (Bajirao) seeing it was extremely delighted. The duty of the office of your servant being honoured has received its reward.

g. The request of Bajirao dated 25th Ramjan A. D. 1817 is quoted below. From that it will appear that his object was to get pardon of his offences, since he was alarmed by the intelligence that the Maharaja suspecting his conduct had entertained thoughts of restraining him as mentioned in clause 1 of this para :

(*Extract No.* 173.)

The letter dated 17th Ramjan graciously sent by your Majesty was received by me at the best juncture and gave the greatest pleasure. May your Majesty in the same manner be pleased to send gracious letters to your servant and afford him pleasure your Majesty's command was that Balaji Janardana (Nana Furnavis) having made request that I wished to visit Sattara, he would be spoken to on several matters which of course he would communicate to me and I would learn therefrom. So then Balaji Janardana may have requested and will request your Majesty as to my desire of showing my devotion to your Majesty's feet by serving your Majesty when taking that request into your consideration your Majesty will give orders and when in pursuance to those orders the above-named person (Balaji Janardana) will write to me, I will be ready at your Majesty's service.

h. The following letter was addressed by Bajirao on 1st Ramjan.

(*Extract No.* 174.)

Your Majesty's order was that I should learn every thing from the letter of her Highness Shrimant Matushri Maee Saheb calling me for a visit, I have accordingly received the Maee Saheb's order and made request in reply to it, which (request) will be made known to you. It is befitting your Majesty always to please the ears of your servant (Bajirao) by graciously sending him letters.

i. The following letter in Bajirao's own hand will show that even in domestic private affairs he observed the duties of servant and friend towards us :

(*Extract No.* 175.)

Yesterday being (Thursday) 1st *vadya* of Kartika at about 12 Ghatikas (about 5 hours) in the morning the first appearance of the monthly course of my second wife took place. I have made this representation for your Majesty's information in relation to friendship. Please to show this letter to Matushri Maee Saheb.

j. The following letter from Bajirao dated 23rd Rabiloval will show your Majesty how he respected our orders :

(*Extract No.* 176.)

I have received your Majesty's order dated 21st Rabilakhar informing me of the arrangements of Trimbackji Dengla for Bhao's marriage according to your pleasure and calling me to visit your Majesty. In reply to it I was delighted on seeing in your Majesty's letter the words that Trimbackji Dengla's arrangements in respect to the marriage &c. were satisfactory according to your pleasure. (As for my visit) I have this day put up at Jeoor, to-morrow I will be at Mahooli. Trimbackji must be ordered to Mahooli to-morrow. When the time for meeting is appointed by the consent of the Maharaja and myself, I will pay visit at that time.

k. A submissive letter from Bajirao of 17th Jilkad is to the following effect :

(*Extract No.* 177.)

Having received your Majesty's order of 7th Gilkad I was greatly delighted. In obedience to your explicit command that I and Rajashri Sadashiv Manakeshwar should attend at the marriage of His Highness Apa Saheb we both have resolved to attend, Sadashiv Manakeshwar will go before and I will reach after him in four or five days.

l. The following letter from Bajirao dated 16th Moharam will show that the Peishwas did not give orders independently of us even to our other servants, but that every thing was managed under our orders :

(*Extract No.* 178.)

I have sent Rajashri Ragho Ballal Joshi for the present to be in attendance on your Majesty, retaining him, your Majesty may be pleased to order Rajashri Dinkara Sadashiv Sathe to come to me.

m. In 1796 Bajirao Raghunath received the investiture of Peishwaship from us. Soon after this elder brother Amritrao was officially informed that the office could only be retained if the Peishwa conducted himself with due respect and perfect devotedness to ourselves. In reply Amritrao wrote a submissive letter dated 29th Sawall A. D. 1797 assuring that no failure of allegiance towards us would take place. The letter is as follows :

(*Extract No.* 179.)

I received the order and was greatly delighted. It states "you will learn from the letter written to Rajashri Bajirao Pandit Pradhan (Peishwa) about the affairs here; therefore, thinking fully of them you should so act as to maintain the respect due to us and not to fail in the duty of allegiance." Such is your command and in respect to it the *Chiranjiva* (long-lived *i. e.* Bajirao) has requested your Majesty that no disrespect will be committed towards you by the Sirdar (Bajirao). In short it is honour to the servants that they should make such request as would please your Majesty.

With a view to prove that the Mahratta Empire, the management of which was given to a certain extent to the Peishwas, belonged to our

family and not to the Peishwas, I beg respectfully to offer further evidence from some other letters of the Peishwas. From such documents your Majesty will not fail to perceive that Bajirao himself and his predecessors invariably admitted that they were appointed at Poona to administer our *Doulat* namely the State and its revenues, but the confirmation of its affairs and the affairs of our *Khasagi* (private establishment) took place at Sattara the seat of our royal residence. A letter submitted by Bajirao Raghunath to his Majesty the Maharaja Chhatrapati on the 19th of Saval is as follows:

(*Extract No.* 180.)

A letter dated the 1st of the lunar Rajab from your Majesty containing an order to send Rajeshri Parashurama Keshava after making several arrangements in the *Khasagi* establishment, has been received. In obedience to your Majesty's orders I have sent him. Arrangements are made regarding the *Khasagi* establishment. Parashurama will submit every thing to your Majesty.

a. All charges on account of State purposes were defrayed from the *Doulat* at Poona, whilst a suitable provision both in land and money was made for the *Khasagi* or family expenses. However when there was an occasion to draw funds from the revenues of the *Doulat*, my ancestors issued orders which were invariably obeyed by the Peishwas.

I have in my possession many letters from which it becomes manifest that my ancestors made use of the revenues of the *Doulat* for their Khasagi without any hinderance from the Peishwas who had nothing to do in the matter. Such documentary evidence as makes out my above statement can be had for reference if required. Letters quoted in the margin satisfactorily prove the point here dwelt upon. These letters were sent at different dates principally by Bajirao, the Peishwa, to the address of Shriman Maharaja Chhatrapati.

1 Letter dated 7th Jilkada.
2 do. „ 17th Saval.
3 do. „ 18th do.
4th do. „ 5th Ravilaval.
5th do. „ 4th of the 1st half of Aushada.
6th do. „ 3rd Saban.
7th do. „ 24th Rajab.
8th do. „ 7th do.
9th do. „ 4th Jilkada.
10th do. „ 8th Ravilaval.
11th do. „ 25th Jilkada.
12th do. „ 18th Ravilaval.

E. Having already acquainted your Majesty that the Peishwas were simply the dependents of our family, I now think it necessary to submit an account of the appointments made and honours and titles conferred on the other seven Ministers by my ancestors. I will also give with your Majesty's leave a short sketch showing, how Scindia, Holkar, Gaikwar, and Bhoslays of Nagpore came to hold their elevated rank and position. I now speak of Pant Amatya next in rank to the Peishwa or Prime Minister.

a. (Siwajee Maharaja) He in 1674 bestowed the office of Pant Amatya (Finance Minister) on Ramchandra Panta.

b. (Rajaram Maharaja)He in 1695 conferred this office on Janardanpanta whom he deprived of it in 1697, and again conferred it on Ramchandrapant, who, on his joining the cause of the Kolapore State, again lost it.

c. (Shahoo Maharaja) He in 1707 appointed to this office Gangadhar Bhatt Nassikkar; but in 1708 bestowed it on Amburao the brother of Janardanpanta Hanumante. When Amburao died in 1739 it was conferred on his nephew Appaji Baburao.

d. (Ramraje Maharaja) He depriving Appaji Baburao of it in 1750 conferred it on Sivaram Ramchandra Bavadekar.

e. (Dhakate Shahoo Maharaja *alias* Abasaheb Maharaja) He in 1778, appointed Nilkantharao, the grandson of Sivaram Ramchandra, and after his death it was conferred upon Saravotama Baburao.

f. (Pratapshivha Maharaja) He in 1831 bestowed this office on Bapoo Rano after the death of Sarvottam Baburao in 1829. Bapoo Rano died in 1837.

g. (Shahajee Maharaja *alias* Appasaheb Maharaja) He, in 1844, having given Succaram Bapuji in adoption to Bapu Rano bestowed this office on him.

F. Lastly I will with your Majesty's permission add here documentary proof of our having bestowed titles and honours during the later years of the Peishwas' administration.

a. Chimnaji Madhavarava Pradhan and Nana Phadanavis wrote to the Mamaledar at Sattara to solicit the Maharaja Chhatrapati to confer this office of Pant Amatya upon Saravotama Baburaya. The letter was sent on the 19th of Suffer and is thus abbreviated:

(*Extract No.* 181.)

In consequence of the death of Nilkantha Baburao Amatya his Majesty the Maharaja Chhatrapati is to be solicited to bestow the office of Pant Amatya on his brother Saravotama Baburao.

b. Upon the receipt of this recommendation from Chimanaji Madhavarao Peishwa, His Highness Maharaja Chhatrapati was pleased to appoint Saravotama Baburao to the office of Pant Amatya.

G. I now turn to Pant Sachiva, (Keeper of Records) third in rank among the Ashta Pradhans or eight Ministers of the Mahratta Empire.

a. (Shiwaji Maharaja) He in 1674 bestowed the office of Pant Sachiva upon Anaji Datto whom Sambhaji Maharaja executed at Pratabagar in 1680. (See Grant Duff's *History*, Chap. X.)

b. (Sambhaji Maharaja) He bestowed this office on Ramchandra Nilkantha who afterwards resigned it.

c. (Rajaram Maharaja) He in 1690 appointed Shankaraji Malhar who having resigned it, after some time went to Benares. For a considerable period, it remained unoccupied; but in 1696 it was vested in Shankaraji Narayan a favourite of Moro Trimull, who enjoyed it till 1707, when he committed suicide.

d. (Shahoo Maharaja) He in 1707 bestowed this office on Naro Shankar the third son of Shankaraji Narayan. Naro Shankar dying in 1739 was succeeded by his cousin Chimnaji Mahadeva, whom he had adopted. He was known under the name of Chimnaji Narayan and held it till his death in 1757.

e. (Ramraje Maharaja) He in 1758 appointed to this office Sadashiva, the son of Chimnaji, who held it till his death in 1787.

f. (The Dhakate Shahu Maharaja) bestowed the office in 1787 on Raghunathrao the brother of Sadashivapanta. Raghunathrao dying in 1791 without issue it was conferred on his adopted son Shankarrao, who dying in 1798 it devolved on his adopted son Chimnaji Shankara who died in 1827.

g. (Pratapshivha Maharaja) He bestowed it in 1827 on Raghunathrao Chimnaji who died in 1836.

h. (Shahaji Maharaja *alias* Appasaheb Maharaja) He appointed Chimnaji Raghunath to this office in 1839.

H. The following statement shows how the office of Mantri (Majordomo or Chamberlain) (fourth Minister) was disposed of since the time of the great Shivaji Maharaja

a. (Siwajee Maharaja) About the year 1647 bestowed this office on Gungoo Mangaji who was deprived of it in 1664; and Dattaji Tirmala, a Karkun at the *Paga* (Royal stables) succeeded to it, and retained it in 1674 at the time of Siwaji Maharaja's coronation.

b. (Shahoo Maharaja) He in 1707 bestowed it on Ramchandra Trimbak, who being deprived of it in 1713 was succeeded by Narayan Senoy who enjoyed it till his death in 1748 when his nephew obtained it under the name of Ghanasham Narayan. He died during the reign of Ramraje Maharaja.

c. (Ramraje Maharaja) He appointed to it Raghunathrao the son of Ghanasham Narayan. Raghunathrao died in the reign of the Dhakte Shahoo Maharaja.

d. (The Dhakte Shahoo Maharaja) He invested Raghunathrao's son Jayavantrao with the office. Jayavantrao died in 1829.

e. (Pratabshivah Maharaja) He gave Jayavantrao permission to adopt, and he adopted a son whom he named Raghunathrao. After the

death of Jayavantrao the same Raghunathrao was invested with the office.

I. The investiture of the office of Mantri was, whenever it took place, made by us. However a request was made by the Peishwa Madhavarao Narayan dated the 13th March 1779 for investing Jayavantrao Raghunath with the office of Mantri in 1779 through the Mamlutdar of Sattara to the following effect:

(*Extract No.* 182.)

As the Mantri Raghunath Ghanasham has died and his son Rajeshri Jayavantrao Raghunath is to be invested with the office of Mantri I have sent per Rajeshri Laxuman Visvanath the dress and the ornaments requisite for it. I have written about this to Rajeshri Krishnarao Raghunath. You and he should therefore after requesting Shreeman Maharaja, get the dress and other honours delivered to the bearer Balajee Shamrao his Karbhari.

J. The office of Pant Sumant is held by one of the Ashta-Pradhans, I beg to state here how it used to be disposed of by the sovereigns of Sattara.

a. (Siwaji Maharaja) He first bestowed this office on Sonopant in A. D. 1667, but afterwards removing him from it he appointed to it Janardan Narayan Hanumante in 1664. Sambhajee Maharaja removed the latter from it in 1680.

b. (Rajaram Maharaja) He gave this office to Mahadajee Gangadhar Hanumante in 1692 from which he was removed by Shahu Maharaja in 1770.

c. (Shahoo Maharaja) He bestowed this office upon Anundrao Raghunath Bhopale in 1770, but Anundrao having died in 1748 it was given to Mahipatrao one of Anundrao's sons in 1749.

d. When Mahipatrao died, Ramraje Maharaja gave this office to his brother Vittalrao who died in 1789.

e. (The Dhakte Shahoo Maharaja) He gave this office in 1789 to Vittalrao's son Jivanrao who died in 1810.

f. Pratapshivah Maharaja conferred this office in 1810 on Vamanrao's son Gopalrao who died in 1827. Afterwards it was given to Bulwantrao Mathara Chitnis.

g. In 1843 Appasaheb Maharaja, after causing Gopalrao's widow Venubai to adopt Ramchandrarao as her son invested him with the office of Sumant.

K. On each of the above mentioned occasions the office was conferred under our exclusive orders. The Peishwa was not authorized to confer the office without our sanction. The Peishwa only recommended according to our pleasure, and it was we who disposed of titles, honours, and offices. As an illustration of this I extract below a letter

from Madhavarao Narayana Pant Pradhan (Peishwa) dated the 29th of January 1779:

(*Extract No.* 183.)

Mahepatarao Anant has died and he has no son. So I have intended (to give) the Sumantship to his nephew Rajeshri Jivanrao Vittal under an agreement. You and Krishnarao Anant should, therefore requesting His Majesty the Maharaja get the dress of the office namely 3½ pieces for his ownself and two *Shelas* (a sort of scarf) and two *pagotis* (turbans) for his two Karkuns.

L. I will now give an account of the disposal of the office of Senapati (Commander-in-Chief) by us at different times since the 17th century.

a. (Shivajee Maharaja) He bestowed this office in 1641 on Mankoji Dâtâde, who died in 1647. Then the office was bestowed on Nettaji Palkar. But soon afterwards he being removed from it, it was in 1662 given to Prataprao Gujara. Prataprao Gujara was killed in 1671 in battle, so the office was given to Howsajee Mohite. Howsajee died in 1683.

b. (Rajaram Maharaja) He conferred the office in 1692 on Mahadaji Naik Pansambal. Soon afterwards when Mahadji Naik died, it was given to Santaji Ghorpade. But Santaji having been killed in a political contest, it was bestowed on Dhanaji Jadhava.

c. (Shahoo Maharaja) He in 1707 conferred the office on Dhanajee Jadhava. When in 1710 Dhanaji died, it was conferred upon his son Chandrasen. But he was soon removed from it and about 1712 Santaji Jadhava was appointed to it. In 1713 he was also removed from it and it was conferred upon Mansingrao More. Soon afterwards in the same year the office was conferred by Shahu Maharaja upon Khanderao Dabhade, as he had rendered good service to the State by effecting good management in Gujarath and Kattyawar. In 1718 a military officer named Damaji Gaikawar was invested with the title of Samashera Bahadoor for his having fought bravely against the Emperor Mahomedshah. (See Grant Duff's *History*, Chap. XIII.) Khanderao Dabhade died in 1719 and his son Trimbakrao Dabhade was invested with the ensigns of the office of Senapati. But in 1731 the Peishwa fought with Trimbak Rao for his improper conduct. He being killed in action the office of Senapati was conferred upon his son Yesvantrao. Yesvantrao turning out to be a man of debauched character, the government of the provinces of Gujarath and Kattyawar was entrusted by Shahoo Maharaja to Damaji Gaicowar.

d. (Ramaraje Maharaja) He conferred in 1763 upon Chandrasena Jadhava's son Ramchandra Rao the office of Senapati from which Yesvantrao Dabhade had been removed in A. D. 1750. But Ramchandra.

rao resigned it of his own accord, and about 1765 it was conferred upon Santajirao Ghorapade's son Moorarrao. But he was taken prisoner by Haidar Ali who was then marauding in the Karnatic. After that time this office remained vacant for some time

e. (Dhakte Shahoo Maharaja) He in 1797 out of regard to Doulatrao Scindia again conferred this office upon Yesavantrao Dabhade.

f. (Pratapsinvah Maharaja) He gave this office to Chatursing's son Balvantrao Bhosaley who died in about 1839.

g. (Apasaheb Maharaja) He bestowed this office in 1843 on Khanderao Shirke who held it till 1849, when it again remained vacant.

M. Nyadhish (Chief Judge) was one of the eight Ministers, and I state below how it was disposed of since the time of the great Shivajee Maharaja :—

a. (Shivajee Maharaja) He bestowed this office on Nirajee Ravajee in 1661. Soon afterwards in 1674 it was conferred upon Balajee Sondava.

b. (Shahoo Maharaja) He in 1713 appointed to this office Honaji Anant and when he died in 1739 it was given to his brother Kashi Anant.

c. (Ramraje Maharaja) He in 1750 gave to Khanderao Kashi, son of Kashi Anant and in 1763 to Vithal Shivadeva.

d. (Dhakate Shahoo Maharaja) He conferred this office on Appaji Khanderao.

e. (Pratapsinvaha Maharaja) He gave this office in 1836 to Chintamana Chitco Bhate who held it for three years.

f. (Appa Saheb Maharaja). Having removed this office from Chintamana the Maharaja conferred it upon Joti Trimbak. But soon after it was also taken away from the latter and was not afterwards given to any one.

N. The office of Panditrao (Pandit or Chief Scribe of the Court) the last of the eight Ministers was disposed of in the following manner.

a. (Shivajee Maharaja) He bestowed this office in 1661 on Raghunatha Bhata. But it was in 1683 conferred by Sambhajee Maharaja upon Kalaji Kalusha, who was killed in 1688 : after which time the office remained for sometime vacant.

b. (Rajaram Maharaja) He conferred it on Shrikaracharya Kalgavakar in 1692.

c. (Shahoo Maharaja) He gave it to his family-priest, Moodgal Bhat in 1713. After his death it was given to his son Raghunathrao who died in 1827.

d. (Pratapsinvaha Maharaja) He conferred it on Ramachandra Rao son of Raghunathrao in 1827.

O. The letters, received by the Mamlutdar of Sattara from the Peishwa when both Raghunathrao and Ramchandrarao were invested with the office of Panditrao, are as follows:

a. The letter dated the 15th Saval runs thus:

(*Extract No.* 184.)

Sadasive Panditrao has died and his brother Shrimant Rajeshri Raghunathrao has come here in order that he may be invested with the office of *Surnavis* (Panditrao) by His Majesty the Maharaja. Therefore let him be introduced to the Maharaja and be invested with the dress of the office with due respects according to the letter you have already received from the Sirkar.

b. The letter dated the 14th of Saffar runs thus:

(*Extract No.* 185.)

Ramchandra Raghunath Panditrao has begun to discharge the duties of Panditrao and as he is to receive the dress of the office from His Majesty, to whom a request is to be made for investing him with the ensigns of the office.

P. The office of Pant Pratinidhi (Lord Lieutenant or Viceroy) did not exist at the time of the great Shivaji Maharaja: but it was created during the time of the sovereign, Rajaram Maharaja and Her Highness Shrimant Matoshri Tarabai Saheb. Since that time this office was conferred upon different persons at different times by sovereigns of Sattara as will appear from the following:

a. (The late Rajaram Maharaja and Shrimant Matoshri Tarabai Saheb) They first bestowed this post on Timajee Janardana.

After removing him from it, it was conferred upon Parasharama Trimbak Kudalkara.

b. (Shahoo Maharaja) Having taken away this office in 1707 from Parasharama Trimbak he conferred it upon Gadadhara Pralhada. But the latter was soon after deprived of it, and it was given again to the former. In 1712 Parasharama Trimbak was removed from it and Narayana Pralhada brother of Gadadhara Pralhada appointed his place. But soon after about 1714 the latter was deprived of it and the former reinstated in it. In 1716 when Parashrama Trimbak died his son Shrinivasa Parasharam was appointed to it. But the latter having died in 1747 without any issue, his brother Madhavarao was caused to be adopted. He was named Shrinivas Parasharama, and the vacant post was given to him. When he died 1747 his youngest brother Jagajivana Parasharama was appointed to it.

c (Rama Raje Maharaja) When Jagajivan Parasharam died, Shrinivas Krishna was invested with the office. He continued in the office up to 1762 when he was superseded by Naro Shankara who held it for one year. After the termination of the battle at Rakshasa Bhuvana, Shrinivas Gadadhara was invested with the office. But soon afterwards it was taken away from him and given to Bhagvantrao Trimbak.

Bhagavantrao Trimbak was deprived of it in 1768 and it was conferred upon Shrinivas Gadadhara *alias* Bhavanrao. On the very day on which Shrinivas Gadadhara died, a son was born to him who was named Parasharama.

d. (Dhakte Shahoo Maharaja) He gave this office to Parasharama who died in 1848.

e. (Apasaheb Maharaja) He caused Parasharama to adopt Shrinivas Pandit as his son in 1848 and conferred upon him the office of Pratinidhi.

Q. Whenever this post of Pratinidhi fell vacant, it was conferred upon different persons by us at the request of the Peishwa.

The following are extracts of some such requests made by the Peishwa:

a. A letter from Madhavarao Narayana Pradhana addressed to our Mamalatdar of Sattara dated the 14th of September 1777 is as follows:

(*Extract No.* 186.)

Shrinivas Pandit Pratinidhi has died and as his son Parasharama Shrinivas is to be invested with the office of Pratinidhi, I have sent with Rajeshri Sadashiva Anant a dress, a Shirapech (an ornment worn on the turban) and arms. You should therefore requesting His Majesty, the Maharaja, get the dress conferred upon the abovenamed person. The elephant to be presented will be sent afterwards; as for the horse which is to be presented to him, take one from the Nagarapaga (paraticular stable).

b. A letter addressed to the same person by the same Peishwa dated the 31st March 1780, is to the following effect:

(*Extract No.* 187.)

A new seal is to be made in the name of Parsharama Pandit Pratinidhi, and I have separately written to Rajashri Krishnarao Anant to request his Majesty the Shrimanta Maharaja and make him a new seal; accordingly he and you together, requesting the Sovereign should cause a new seal to be made and delivered to the abovenamed Pandit.

R. I now beg to adduce evidence to show that the Bhosleys of Nagpore received from us the titles of Sena Saheb Subha and Sena Dhurandhar.

a. Here is an extract of a letter addressed by Madhavarao Narayan Pradhan to the Mamledar of Sattara dated 17th June 1774:

(*Extract No.* 188.)

I previously made a request in writing to His Majesty Shrimanta Maharaja Chutrapatti to send the dress of the title "Sena Saheb Subha" to Rajeshri Shivajee Bhosley, in accordance with which the dress forwarded was received by me at Poonah, when Rajeshri Mudhojee Bhosley Sena Dhurandhar made peace with the Nabob (Nizam) and despatched decisive letters to Poonah. It was agreed not to do anything hostile to the interests of the Sovereign; therefore the first plan is now abandoned; and the dress of the title will be sent to Rajeshri Raghojee Bhosley. Hence I have written to his Majesty in this matter. You should solicit permission from the Lord for conferring the dress on Raghujee Bhosley, and then the first dress which is already at Poonah will be

sent to Raghujee Bhosley. You should take a mandate from His Majesty in the name of Raghujee Bhosley to the effect that the ensigns of the office with Saramjam have been sent to him.

b. Letter from Madhavarao Narayan Peishwa to the Mamlutdar of Sattara dated 4th April 1775 is as follows :

(*Extract No.* 189.)

His Majesty the illustrious sovereign, Shrimanta Maharaja graciously conferred the title of Sena Sahab Soobha on Sabaji Bhosley. He being intent on the feet of the Sovereign, rendered service with unswerving devotion. Lately a battle was fought with Rajashri Mudhojee Bhosle in which Sabaji lost his life in the cause of the Sovereign. He fought most heroically, but what was destined to happen, came to pass. The conduct of Raghojee Bhonsle is not satisfactory. and he must be punished; for which the Nabob has fitted out an expedition against him. He has collected the forces of Sabaji and has brought with him Shivaji, the grandson of Ranoji Bhosle a *Sardar*. If the Maharaja would ask who is Shivaji Bhosale? You can inform the Maharaja that I have thus made inquiries about him: Pursoji Bhosle, was the founder of the *Doulat*. His son was Ranoji Bhosla, who after the death of Pursoji became entitled and went to Sattara. The late Shahoo Maharaja was but favourably disposed towards him, and one day came to take dinner with him: Afterwards on some occasion he incurred the Maharaja's displeasure as well, in consequence of which the title was conferred on Ranoji, the nephew of Pursoji. Raghoji Bhosle was a *Bargeer* (trooper) in the service of Ranoji. His kinsmen having won the favour of the Maharaja obtained the title: Then a quarrel arose mutually between the three, Kanoji, Ranoje and Raghuji; upon which the Maharaja made three divisions (of the estate). The state continued for some days. When Kanoji died: his son Ranoji being without an issue, his share was appropriated by. Rughoojee who feeling Ranoji's weakness appropriated his share also, and after whose death, the place Amarawati was given to his son Sakhoji for residence; and this Shivaji Bhosale is Sukhojee's son. Such is his geneology. There must be some one to conduct the office of the Sardaree and this Shivaji Bhosale is much popular and all are in his favour. The army also will flock to him; therefore, requesting the illustrious sovereign you should get the dress of Sena Saheb Subha and send it. This is no time for refusal I have sent jewels with the letter. Requesting the Maharaja, he should get the dress, the seal, and the sword (of the title) at the auspicious time stated in the letter.

c. Translation of a Mahratta Paper, on the appointment of Sena Saheb Sooba Nagpoorkar.

A petition from Madhavarao Narayan Peishwa, to His Highness Raja Chatrapati of Sattara dated 4th April, abbreviated.

(*Extract No.* 190.)

After compliments,

Sewajee Bhosalay, who is the most popular of his family, and is able to keep up an army, I therefore beg, most respectfully to submit the case to your Highness, and hope to obtain your Highness' sanction for transmitting the usual dress of honour to him, as requisite for his appointment to the office of Sena Saheb Sooba (Commander-in-Chief). I trust your Highness will have no objection to this, but that he is to return the dress and the jewels, as well as the signs and dagger, on a propitious day your Highness may think proper.

I beg to subscribe myself,
Your High Highness' humble Servant,
(Signed) MAHADOW ROW NARAYAN PEISHWA PRADHAN.

S. The following are some of the proofs to show that it was from us that H. H. the Gaikwar of Baroda received the title of "Sena-khas-kel."

a. The following is the letter of request dated 6th Saban made by Madhavarao Narayan Pradhan (Peishwa) to us, but addressed to the Mamlutdar of Sattara, to confer on Futtesing Gaikwar the title of "Sena-khas-kel."

(*Extract No.* 191.)

It is necessary to confer on Rajashri Futtesing Guicowar the title of "Senakhaskel." A separate *yadi* of the letter in respect to it has been forwarded. In accordance with it you and Baburao Krishna together requesting Shreemant Maharaja, (the Lord) Chatrapati, should frame a letter according to the *yadi* and forward it.

b. The following is another letter dated 11th December 1777 from the same Peishwa to the same person for conferring the said title on the said Gaikwar:

(*Extract No.* 192.)

It is necessary to confer on Rajashri (Mr.) Futesing Gaikwar the title of "Senakhaskel." A separate *yadi* of the letter in respect to it has been forwarded. In accordance with it you and Rajashri Krishnarao Anant together, requesting Shreemant Maharaja, (the Lord) Chatrapati, should frame letter according to the *yadi* and forward it.

c. The Maharaja not conferring on the Gaikwar the title of "Senakhaskel" as the *Nuzzar* was not paid by him, Balaji Janardan *alias* Nana Fadnis wrote the following letter dated 30th October 1778:

(*Extract No.* 193.)

I sent you the Sirkar (Peishwa's) letter for forwarding from the Maharaja a *sunud* of "Senakhaskhel" in the name of Rajeshri Futesingrao Gaikowar, upon which you wrote that the Maharaja demanded Rs. 15,000 without which the Maharaja would not issue the *sunud*. Therefore I have got the abovenamed (Futtesing) to agree to pay Rs. 7,000 as *nuzzar* after four months. When the period is completed, that amount will be forwarded. Thus requesting the Maharaja, you should send the *sunnd* soon. More than this (nuzzarana) cannot be secured.

d. The Peishwa again exerted himself about the same affair in a variety of ways, till, at last, in 1779 when the *nuzzarana* was agreed upon and every thing settled according to the Maharaja's wishes, the dress of the Sena-khas-kel was conferred upon the Gaikwar. The letters submitted in the interval by the Peishwa to the address of our Mamlutdar are these:

e. Letter dated 5th Safar:

(*Extract No.* 194.)

I wrote to you before to forward a patent in the name of Futtesingrao Gaikwar, and you wrote asking what was become of the settlement of the *nuzzur* and its amount? Therefore the settlement of the nuzzur, it is made here. Therefore you should immediately forward a royal deed in the name of the Gaikwar as written before. You should not cause delay. Procrastination produces delay in the affairs. Therefore you should send it soon.

f. Letter dated 31st January 1779 :

(*Extract No.* 195.)

It is necessary to issue the title of "Senakhaskel" in the name of Rajeshri Futtesingrao Gaikwar upon conditions. Therefore requesting the Maharaja you should get a letter (*sunud*) in the name of the said (Futtesing) and sent it (to me). To this effect is the letter of the Sirkar (Peishwa) to you. Accordingly making request, you should get a letter (from the Maharaja) and forward it.

g. Letter dated February 1st, 1779 :

(*Extract No.* 196.)

It is necessary to transfer on condition the title of the "Senakhaskel" in the name of Rajeshri Futteysing withdrawing it from Govindrao Gaikwar who holds it. Therefore making request to Shreemant Maharaja (the Lord) Chatrapati you should get (from the Maharaja) the title of the "Sena-khas-kel" in the name of Futtesingrao Gaikwar and send it.

h. Letter dated 4th March 1779 :

(*Extract No.* 197.)

I am in receipt of the two letters forwarded by you in the name of the Maharaja immediately that there might be no delay, one to the Rao Saheb and the other to Futtesingrao, having made request (to the Maharaja) for them (letters) according to the order (of the Peishwa to you) in order to transfer the title of the "Senakhaskel" to Futtesingrao withdrawing it from Govindrao. I also received another supplementary letter about the amount of the *nuzzar*, and understood the contents. Therefore I have retained the letters in my possession and not given them to him (Futtesing) your supplement has done extremely well. I will not deliver the letter unless the amount of the *nuzzar* is paid off. I will deliver them after the receipt of the amount.

T. In like manner was the title of "Alija Bahadar" conferred on Scindia on condition, also the princely dignities of Scindia and Holkar were confirmed. As these facts are well known in history it is not necessary to give many illustrations of them here.

U. How the Mahratta Sirdars of India,—the Peishwa, Scindia, Holkar, the Bhonsla of Nagpore, and the Gaikwar of Baroda treated with us as our vassals will be seen from the following instances:

a. All the Peishwas from Balaji Visvanath to Bajirao Raghunath addressed to us letters of request as our humble servants. There was nothing striking in this as the Peishwas were our servants, and in addressing us they adopted the style pursued by our subordinates. The last of the Peishwas, Bajirao, however, it is supposed by some conducted himself insolently towards us. The following is one among numerous letters addressed to us by Bajirao the style of which clearly shows how he treated with us in the manner of a humble servant.

(*Extract No.* 198.)

To His Imperial Majesty, the great Lord, illustrious ornament of the Kshatriya-tribe.

The prayer at the service of the Sovereign from the servant Bajirao Raghunath—30th of the lunar month Ramjam.

The servant (Bajirao) by the gracious look of the Sovereign is doing well.

Particulars:—The letter expressive of favor of 27th of the lunar month of Ramjam graciously sent by your Majesty in charge of Rajashri Balaji Janardan (Nana Furnavees) was received by me at a favourable time and afforded the greatest pleasure; in the same manner by graciously sending letters your servant should be afforded pleasure. The reply to my letter received by the Sovereign was; "What you wrote was made known to us, and the said person requested us to confer on you the title (of Peishwa); accordingly, being pleased we have so decided. You will receive the dress of the title. About this the aforesaid person will write to you in detail. As you show your devotion towards us, so will be also its fruit."

Such is your order. As for my devotion, Balaji Janardan must have requested your Majesty; and if it please your Majesty, your Majesty might order him for my devotion. And he will accordingly request your Majesty with assurance; while your Majesty show me favour whose feet, except the feet of your Majesty, should I be devoted to having been born in the family of the late *Tirtha Swarupa* Balaji Vishwanatha? As your Majesty knows everything you cannot but have perceived this, and will graciously perceive it day by day on seeing my service. Balaji Janardan will even now convince your Majesty of this. After seeing the feet of your Majesty and with your Majesty's command I will personally request it at your service.

Thousands of letters in such style were received from all the Peshwas. And the form of the orders that we used was this "To Baji Rao Raghunath Pradhan (Peishwa) an order to the effect that your letter of request dated (certain day) was received by us and you are ordered that—". Thus was our practice to issue orders to all the Peishwas.

b. I beg now to record the forms of requests made by the Bhonsala of Nagpore entitled "Sena Dhurandhur" (Commander of the Army) and "Sena Saheb Subha."

c. The following is a letter addressed by Parsoji Bhonsale dated 2nd Rajab.

(*Extract No.* 199.)

To Her Highness Shreemun Maharaja Matushri Aee Saheb, obeisance of the Servant (Pursoji) 2nd of the month of Rajub.

The obedient Parsoji Bhonsala by the lustre of the Maharaja's (Aee Saheb) merit is all right.

"Having obtained the permission of Tirth Svarup Rajashri Baba Saheb from the Camp with a view to visit the shrines of the household and other deities in this Province I have come to Pali. I have now visited all the shrines. Therefore I have appointed Tuesday the 3rd of the lunar month to approach the Maharaja's (Maharani's) feet. So according to the appointment I am coming to the (royal) feet."

d. The following letter was received from Raghoji Bhonsala Sena Saheb Subha, dated 27th December 1777.

(*Extract No.* 200.)

To His Majesty the illustrious Maharaja Chhatrapati, the prayer at the feet of the Lord.

Dated 25th of the lunar month Gilkad

The servant Raghoji Bhonsala Sena Saheb Subha by the gracious glance of your Majesty is all right. More—Bowing to the order the Maharaja was graciously pleased to see I am become favoured. Your Majesty has approached old age and has no natural son. Hence your Majesty calling to mind that there should be a son, heir to the supremacy of the Chhatree (royal umbrella) and throne, ordered Rajashri Madhavrao Narayan Pandit Pradhan (Peishwa) and selected for the purpose of an adoption a boy of the family of the Bhonsaley of Wavee as being your Majesty's kinsmen. After he was brought to the Fort of Sattara in your Majesty's presence, it was resolved with the consent of the Eight Ministers to adopt him as a son and your Majesty adopted him as a son with the due ceremonies of adoption and with forms on Jeshtha Sud 13 (Wednesday) and on the same day named him Chiranjiva (long lived) Rajasri Shahu Raje, ; and to inform me of these glad tidings your Majesty sent the order. Therefore your Majesty certainly did well in ordering Rajashri Madhavarao Narayan Pandit Pradhan (Peishwa) and adopting a son with the ceremony of adoption your Majesty's servant is delighted with it. May it be known to your Majesty.

e. A letter of the same date and contents of which are similar to the foregoing extract was received from Moodhojee Bhosley of Nagpore. It was always the practice to address the letters of request after this fashion.

f. Hundreds of letters were received from H. H. Holkar as a humble servant of the Maharaja of Sattara. The following is one addressed by the late Tukoji Holkar dated 10th September 1777.

(*Extract No.* 201.)

To His Majesty the Illustrious Maharaja Chhatrapati, obeisance.

Jajuri, Bhadrapada Sud 7.

The servant Tukoji Holkar by the favourable glance of your Majesty is doing well. Particulars.—The letter despatched on 19th of the lunar month Rajab (by your Majesty) was received by me on the 4th (Saban), and caused the acquisition of joy. Your Majesty has approached old age and has no natural son. Hence your Majesty calling to mind that there should be a son, heir to the supremacy of the Chhatree (royal umbrella) and throne, ordered Rajashri Madhavrao Narayan Pandit Pradhan (Peishwa), and selected for the purpose of an adoption, a boy of the family of the Bhonsalas of Wavee as being your Majesty's kinsmen. After he was brought to the Fort of Sattara, it was resolved with the consent of the Eight Ministers to adopt him as a son, and your Majesty adopted him as a son, with the due ceremonies of adoption and with pomp on Jeshtha Sud 13 (Wednesday) and on the same day named him, the illustrious son Shahu Raja; and to inform me of these glad tidings your Majesty sent the order. All this intelligence when I heard it, gave me extreme delight. May this be known to your Majesty. This is my prayer."

Hundreds of letters after this style were received from Holkar.

g. Scindia sent from time to time several letters as our humble servant. The following letter dated 6th September 1777 was addressed by Mahadaji Scindia.

(*Extract No.* 202.)

To His Majesty, Shreemun Maharaja, the illustrious Chhatrapati, obeisance.

Kasaba Rahimatpore, Bhadrapada Sud 3.

The obedient servant Mahadaji Scindia is by your Majesty's gracious look, doing well.

The prayer to your Majesty is.—

Your Majesty despatched an order to which I bowed my head. The substance of it was that your Majesty has approached old age and has no natural son. Hence your Majesty calling to mind that there should be a son, heir to the supremacy of the Chhatra (royal umbrella) and throne, ordered Rajashri Madhav Rao Narayan Pandit Pradhan (Peishwa), and selected for the purpose of an adoption, a boy of the family of the Bhonsalas of Wavee as being your Majesty's kinsmen. That after he was brought to the Fort of Sattara, it was resolved with the consent of the Eight Ministers to adopt him as a son; and your Majesty adopted him as a son with the due ceremonies of adoption and with forms on Jeshtha Sud 13 Wednesday, and that on the same day named him the illustrious Shahu Raja. This has given me great delight. It is your Majesty's desire for the welfare of the great and little in your Majesty's service in the kingdom; and in accordance with it making arrangements your Majesty adopted a son with due ceremonies and pomp. This was very excellent. By this every one has got support. Your Majesty is able always to protect your servant by gracious letters. May this be known to your Majesty is my prayer.

h. Letters expressive of vassalage were received from time to time from Angria, the Colaba Chief. The following was from Manaji Angria and Jarabmabu dated 11th of the lunar month of Mohuram.

(*Extract No.* 203.)

To Her Highness Shrimunt Maharaja Matushri (Mother) Aee Saheb.

11th of the lunar month of Mohorum.

Obeisance of the obedient Manaji Angria and Jarabmabu to the feet (of your Highness).

By the gracious sight of your Highness it is well with your obedient servants, with the fort of Jingera and the district surrounding it. Particulars.—We received and were delighted with the order graciously despatched by your Highness. Therein was a command to the effect that your Highness had to pay Shethaji Bhosala his Rupees to pay which your Highness had also desired Sabaji Prabho Chitnavis when he was there from here at the time of the marriage and that he had agreed on his return, but that the Rupees had not been still sent, that hence this order had been issued and therefore the above named Bhosala should be paid. This was the chief command to which, bowing with the head, I have paid the money to the man of the said Bhonsala who had sent him. The said Bhonsala must have written (to your Highness) all particulars about it. Every thing will be made known to your Highness."

Angria had received a title from us and was our vassal.

i. I beg now to add a few examples to show how H. H. the Gaikwar of Baroda treated with us as our humble servant.

j. The following is a petition addressed by Damaji Gaikwar Sumsher Bahadar on the 12th of the lunar month of Moharam.

(*Extract No.* 204.)

To Her Highness Shriman Maharaja Matoshri (mother) Aeesaheb,

Kasaba Bhalake 12th of the lunar month of Mohoram.

Low obeisance of the obedient Damajee Gaikwar Sumsher Bahadar. I (Damaji Gaikwar) by the gracious look of the Saheb, am doing well. Your Highness had ordered for conveying (to me) your joy. More:—I received the order your Highness was pleased to send and having bowed my head to it understood its contents. In short, the order was that I punished Khandoji Bangaw who rendered service instead of rewarding him. Then some one having written this to your Highness about him your Highness probably thinks the same to be true. But if seeing your Highness' feet I shall explain in detail the history of his service, your Highness will know every thing, and there are like him two or four servants more with whom I was not offended; and since I was offended with him alone, I must have done so after consideration only. Your Highness' servant will surely not be guilty; if the master is served with unswerving devotion, he cannot but be pleased. Even before this he (Rajashri Khandoji) did not hesitate to be ungrateful to his salt and even now he does not fail (to do so.) Even now his *Surnoubat* (drum-major) Rajeshri Baheerji Langore has encamped at Jabsata with a hundred horses of the *Paga* (stable) and does not return them to the government. In such a case what room is there for other settlements? Be it so. When all his qualities will be known by your Majesty, then your own Majesty will be offended with him. As for his release from confinement just now, according to the order (of your Highness), I have come far (from the place of his confinement.) If he be released in my absence, going into the districts he will again create disturbances. He once fled from us and was secured with great efforts. Devoted servants become of use to their master in time of need and do not run away. Be it so. Your Highness' command is authority. At present the Moguls are up in arms; when they are subdued I will go to that district and release (him) according to the command. There is nothing more valuable than your Highness' command. May your Highness increase favour (towards me.)

k. The following is a letter addressed by Manajeerao Gaikwar:

(*Extract No.* 205.)

To His Majesty Shriman Maharaja, the illustrious Chhatrapati, the prayer and obeisance of the humble servant Manajeerao Gaikwar.

Pusa Vadya Tuesday,

I (Manajeerao Gaikwar) by your Majesty's favour am doing well.

"Particulars:—I have forwarded sesamums mixed with sugar on account of the (festival of) Makar Sankramana (winter-solstice). Accepting them and acknowledging their receipt, your Majesty is able to protect the servant always."

l. The following is a petition from Jayajirao Gaikwar:

(*Extract No.* 206.)

To Her Highness Matoshri (mother) Aee Saheb, the humble obeisance and prayer of the obedient Jayajirao Gaikwar.

Your Highness inquiring after my (Jayajirao Gaikwar's health, should order the state of your health to be made known (to me) by writing. Particulars:—I have forwarded to your venerable Highness sesamums mixed with sugar on account of (the festival of) the Makar Sankramana (winter-solstice.) Accepting them and acknowledging their receipt your Highness is able to protect the servant always."

m. The following letter dated 13th November was received from Futtesing Gaikwar Sena-khas-kel Samsher Bahadar:

(*Extract No.* 207.)

To His Majesty Shreemant Maharajadhiraj Maharaja the Illustrious Chhatrapati, the obeisance and prayer of the servant Futtesingrao Gaikwar Senakhaskel Samsher Bahadar.

10th of the lunar month of Savel,

By your Majesty's gracious look, your servant (Futtesingrao) is doing well here. Your servant was favoured with your Majesty's order to the effect that your Majesty having no male issue, some one must be appointed heir to the Kingdom. That therefore having made the adoption according to ceremonies; your Majesty made a boy of the house of the Bhonslay of Wavee who are your Majesty's kinsmen, an heir to the Kingdom and named him Maharaja, the illustrious Shahu Maharaja. Having heard this your Majesty's servant was highly delighted. Your Majesty is able ever to favour your servant with mandates.

n. The following is a letter from Govindrao Gaikwar:

(*Extract No.* 208.)

To His Majesty Shreeman Maharaja the Illustrious Chhatrapati, obeisance and prayer of the humble servant Govindrao Gaikwar Senakhaskel Samsher Bahadar.

Dated Pausha Sud 1 Monday.

Your great Majesty's servant by your gracious look is doing well.

Particulars:—I have sent your Majesty sesamums mixed with sugar on account of the (festival) Makara Sankramana (winter-solstice.) Accepting them with the greatest pleasure, your Majesty is able to honour your servant with a reply.

o. Lastly I beg to add the letter of Anundrao Gaikwar Sena-khaskel Sumsher Bahadar dated 21st January 1804.

(*Extract No.* 209.)

To His Majesty Maharaja the Illustrious Chhatrapati, the prayer of Anandrao Gaikwar Senakhaskel Samsher Bahadar.

Dated 7th of the lunar month of Saval.

By your Majesty's look of favour I am doing well.

Particulars:—I have not been favoured by your Majesty with a letter for many days. Hence your Majesty is able ever to order favouring me with mandates. Next I have sent for your Majesty sesamums mixed with sugar on account of the (festival of) Makara-Sankramana (winters-solstice). Accepting them your Majesty will be pleased to order an acknowledgment of thier receipt.

77. I beg now to offer a full refutation of the pleas in favour of the annexation of the sovereignty of Sattara, advanced by the Hon'ble Messrs. Reid and Willoughby, members of the Council of the Governor of Bombay. and by others, when, guided by a policy of grasping and aggrandizement, they could only plead in support of the annexation the then tranquil and extended sway of the British dominions in India, and thought it safe to forget the advantages secured by the Treaty of 1819. This sufficed with them to excuse the open defiance of the treaty of "perpetual friendship and alliance," concluded by the East India Company with the Maharaja of Sattara, and was in utter violation of its explicit terms to secure it "perpetually" to the Maharaja, his '*furzund*' (son or daughter) '*waris*' (heirs whether by blood or by adoption) and '*Kaim mukàm*' (those persons constituting a regency), and in total disregard of the matured views expressed by experienced statesmen of the first order such as the Hon'ble Mountstuart Elphinstone, Sir Thomas Munro, Lord Hastings, Lord Amherst, Lord Bentinck, Lord Auckland, Lord Metcalfe and others—also wilfully shutting their eyes to the fact that several principalities have been continued to the adopted heirs without any objection.

A. The opinion of the Hon'ble Mr. Reid in favour of the annexation of Sattara has been quoted in extenso under paragraph 57 *of this Memorial. Now let me reply to it:*

a. I fail to see why the Hon'ble Mr. Reid, in the second para. of his Minute, at once assumes that the question of the disposal of our sovereignty on the death of my husband was one of great difficulty, requiring thoughtful consideration. The question was not a new one. There were several precedents which applied, and it could have been disposed of readily enough, if the guiding principle of the authorities of those times (1849, had been justice, and not territorial aggrandizement. Under paragraph 85 I have shown that, during the administrations of Lord Amherst, Lord Bentinck, and Lord Metcalfe, the Holkar, the Chiefs of Duttea, Orcha, Kotah, and several others adopted heirs during their lives to succeed to their principalities. In the case of Scindia, Dhar, Kisangur, Kerowlee, the heirs to the *gadis* were adopted by the Ranis after the demise of the chiefs. As for Bandswara the heir to it was elected by the Durbarees after the ruling line had become extinct. In each and all these cases the British Government ratified the adoptions; so that by the time when my husband died it had become an established rule with the Hon'ble East India Company to recognise adoptions properly made by native princes. Hence the recognition of the adoption made by my husband before his

death involved no serious consideration. But when it is borne in mind that our sovereignty, unlike the instances I have referred to above, was independent, the British Government were not justified in even so much as questioning the validity of the adoption. The fact, that the adoption was made immediately before my husband's death, does not in the least, affect the merits of the case, since my husband on the unimpeached testimony of Dr. Murray (*See* para. 100) was in perfectly sound mind when the adoption was made.

b. The Hon'ble Mr. Reid, in the third para. of his Minute, says that the disposal of our sovereignty was a question to be decided purely on grounds of expediency. Now, if expediency can be pleaded in opposition to the plain dictates of justice with a view to self-aggrandizement, I need hardly observe that such a plea is unworthy the fair name and character of the great British nation. It is a stain on British justice. Such a plea is only fit to mark oppressive and tyrannical rulers like the Mahomedans. And, what else could the Hon'ble gentleman mean by expediency? On the admission of Mr. Reid himself and several others, my husband lived on the most friendly terms with the British Government. He rendered assistance to that Government when necessary. His Government was "mild" and "excellent." His subject were happy. "His country," says Mr. Reid, "flourished in a degree with which our (British) neighbouring districts cannot well sustain a comparison." The two Maharajas of Sattara were "models to all Indian princes." The British Government had nothing to fear from the existence of the little state of Sattara; on the contrary, judging from former instances, it could safely rely on it for its co-operation at any time. What then could make it expedient to annex our sovereignty? If the question was to be decided by expediency, even on that low ground as pointed out by Mr. Reid himself in the 12th para. of his Minute, it was more expedient to continue the sovereignty than to annex it. Mr. Reid in the same para. observes that, to render the adoption by my husband valid, the sanction of the British Government, being the paramount power, was necessary. But he forgets that our sovereignty was independent, and that by Hindu law (as is clearly shown by Rao Saheb V. N. Mandlik, pleader, High Court, Bombay, in his pamphlet entitled *Adoption vs. Annexation*) a Hindu prince whether dependent or independent requires no sanction from the superior power. Before this, in 1750 and 1777 there were two adoptions in our family without the sanction of any power. But I have dwelt on this point very fully in my paragraph 83 and clearly established, that

no sanction of the British Government was necessary in our case; so I need not repeat here what I have stated under that para.

c. Mr. Reid, in his 4th para., calls the sovereignty of Sattara subordinate and asserts that it was only created by the British Government. Now, I have clearly established in my paragraph 83, that the sovereignty of Sattara was ancient and independent; and if great statesmen of those days like Lord Hastings, the Hon'ble Mr. Elphinstone, and Sir Thomas Munro called it independent, it was vain for Mr. Reid to write it down as subordinate. The treaty does not qualify it by this epithet. True, there occurs in it the expression "subordinate co-operation," but that only means, in the words of the late Governor Sir G. Clerk, that the British Government shall protect the Raja from external aggresions, that the Raja shall not correspond with foreign potentates &c. To say that our sovereignty was created by the Hon'ble Company, who had, therefore, a right to annex it to their dominions, can carry no weight when the true history of its so called creation is recalled to mind. As I have established in para. 74, my ancestor, Shreeman Pratab Singh Maharaj, called in the aid of the Company to chastise the ambitious Bajee Rao, and the Company generously responded to the call and effected the overthrow of Bajee Rao. They, however, annexed to their dominions the greater part of our territories as recompense for the assistance and the expenses of the war, leaving but a small tract for us. The Maharaja, glad at the fall of the Peishwa, who had deeply offended him, and grateful to the Company for their assistance, remained contented with the small territory left for him. Moreover, out of gratitude, he issued proclamations to the people that order and tranquillity might be restored to the territory annexed by the Company. So that, the Hon'ble Company, whose aid was called in by us, could not altogether, without perpetrating a gross act of injustice, deprive us of our sovereign rights. If the Company had attempted the total subversion of our kingdom, I beg leave to say that its officers would have found it a very hard task to acquire, and still more difficult, to rule it. The fall of the usurping Peishwa was rather looked upon with secret satisfaction by most of the Mahratta Chiefs and Princes who in consequence did not render him assistance. But the case would have been far otherwise if the Company had extinguished all traces of the Mahratta sovereignty. The whole Mahratta nation would have combined as one man in the cause of their national independence. This was also clearly perceived by the sagacious statesmen of the Hon'ble Company in those times.

d. In the 5th para. of his Minute, the Hon'ble Mr. Reid criticises the words *furzund*, *waris*, and *Kaim-mukam* of the treaty. He remarks that *furzund* is scarcely used in the Mahratta language in the sense of a child male or female; but I beg to assure your Majesty that it is so used by the Mahratta people. Mr. Reid does not explain the propriety of the second word *waris*. As for the third word, he has hit upon a fine way of getting rid of it by representing it to be out of place there, or at the best to stand for the word *successors* in the English treaty. This is very illogical. It is a sound maxim of law that in constructing a document every word of it should be interpreted and understood in its plain ordinary sense, unless there be any special reason to depart from this rule. Now, following this rule, the document becomes quite intelligible. Thus the first word is used for the natural issue of the sovereign who was to succeed him after his death. If the sovereign died without issue, then, by the second term *waris* his heirs, collateral or otherwise, were to succeed him. But if he left no heir of the body nor any other sort of heir, then, in order that the sovereignty should not become extinct, by the introduction of the third word *Kaim mukam* the sovereignty was to be administered by the appointment of a regency. This interpretation quite suits the preamble and context of the treaty; because the sovereignty was perpetual (*See* article I. of the treaty) and one of the chief objects of creating the sovereignty was to preserve the national independence and perpetuate the political existence of the Mahrattas, (*See* Mr. Elphinstone's letter in June, 1818, to the Governor-General: *Extract* 47). Hence the use and purpose of such strong and significant terms introduced in the treaty. Mr. Reid supposes the word *kaimmukam* to be probable translation of the English word "successors." No such thing. I have clearly shown in para. 47 that the Marathi treaty was not a translation of the English one. Seeing that Captain Grant Duff who framed the treaty on the part of the Hon'ble Company, knew Mahrathi well, and that the Maharaja on the other side was utterly ignorant of English, it is plain according to all rules that the Mahratta text should be relied on for authoritative interpretation and that the version of the treaty understood by both the parties to it should be the standard.

e. But Mr. Reid is not even willing to accept the English treaty. Of the two words "heirs" and "successors" used in the English version, he, in the 6th para., takes notice of the first only, rejecting the second as superfluous! Hence again Mr. Reid violates the rule of law by which the honest interpreter gives its meaning to every word of the document. This is surely not fair. The word "successors" is used in addition to

"heirs" to denote and include "*kaim-mukam*" of the Mahratta treaty; so that even by the English version of the treaty the sovereignty could not lapse for want of "heirs," but was to be perpetuated by "successors." It is quite obvious from the way in which Mr. Reid tries to diminish the obligations of the treaty that he was simply bent upon extending the territories of the Hon'ble Company.

f. In the 7th para., the Hon'ble member of the Council, in opposition to its President, Sir G. R. Clerk, considers that an adopted son has not the same right to the *musnud* with a son begotten unless the sanction of the superior power was granted to the adoption. Now, by the Hindu law and usage an adopted son is precisely in the same position as the begotten son, in support of which I have made an extract under para. 85 from a work frequently referred to, on this side of India. (See also Sir Bartle Frere's researches and remarks in Extracts 67 and 69.) In order practically to assimilate an adopted son to the begotten son the Hindu law has laid down a rule that a person cannot adopt one whose mother the adopter could not have legally married. Hence if a begotten son had a right to the musund, the adopted son had as much and the same right to it. Partial recognition of an adopted son by allowing him to succeed only to the private property of a sovereign has no authority in law or usage, and was followed by the Company only from unworthy motives of self-aggrandizement. That in our case the sanction of the Government was not necessary to the adoption has been already shown. But supposing the sanction was necessary, the British Government, by the Hindu law which knows no partial adoptions, and by the terms of the treaty guaranteeing to us a perpetual sovereignty, was bound to give its sanction.

g. In his eighth para. Mr. Reid comments on the views of the chairman of the late Hon'ble the Court of Directors and says they are not acknowledged on this side of India. The chairman observed that adoption with a Hindu was not only a right but a duty, and that he had the highest authority for stating that even in the case of a fief or dependency a legal adoption could not be barred by the Government or lord paramount (*See Parl. papers, Book II.* Raj of Sattara, 14th August, 1843). Does Mr. Reid mean to assert that adoption is not considered by Hindus as a right and duty on this side of India? And did the Maharajas of Sattara as lord paramount ever bar a legal adoption and deprive the chiefs, Sirdars and Jahageerdars of their territories? Why, if they had done so what would have become ere long of Scindia, Holkar, the Guicowar, and other Maratha princes and Jahageerdars? But the fact, that during the sover-

eignty of the Sattara Maharajas, the number of their Sirdars and Jahageerdars increased instead of being diminished, affords an incontrovertible proof that their policy was not like the later policy of the Hon'ble Company, that of self-aggrandizement.

h. In para. 9th Mr. Reid says that the sovereignty was created in favour of Prutabsing. It was surely unworthy of Mr. Reid thus wilfully to misrepresent palpable facts, for he knows well by the treaty that it was created in consideration of the antiquity of the royal house of Sattara for Prutabsing, his *furzand, waris* and *Kaim-mukam.* Then he makes a random remark that my late husband was specially admitted to the succession of the sovereignty. The Hon'ble Gentleman is not good enough to state what special arrangements were made in favour of my husband and why were they made. What had my husband done to merit this special mark of the Company's favour? My husband succeeded to the sovereignty in his own right in accordance with the treaty.

i. The Hon'ble Mr. Reid in the 10th para. of his Minute considers it no valid argument that the British Government should recognize our adoption because they have recognized others. Pray, sir, why not? You yourself further admit that the adoptions by Scindia and Holkar were recognized on the soundest policy. Is there any valid reason then why that soundest policy should be abandoned in the case of our adoption? Is our adoption illegal? Is there any flaw in it? Would Mr. Reid advise the most British Government to forsake its established policy based on soundest principles and be guided by selfish motives for the purpose of depriving a helpless but faithful ally of his sovereign rights? The Hon'ble staMr. Reid supposes Scindia and Holkar who were once our dependents to be more free and independent than ourselves; but on what ground heaven knows; for the honourable Gentleman nowhere stated it. True, Scindia and Holkar possess larger territories each than we did, and this circumstance probably misled Mr. Reid.

j. In his para. 11 Mr. Reid advances a strange argument in favour of the annexation of our sovereignty. He says, if the British Government recognised the adoption of the Maharaja of Sattara, they should then require to restore the small states of Kolaba (Alibag) Mandavie, and others. This is in fact no argument and is only raising a difficulty to prejudice our case. But your Majesty will at once admit that our case ought to be judged of on its own merits; and if it be found consonant to

justice and reason that our adoption should be allowed, it should not be prejudiced by suppositions of inconvenience. It should be borne in mind that our sovereignty, unlike the states of Kolaba &c., was independent. And what if the British Government should consider to restore the little principalities of Kolaba and Mandvie if their annexation were found to be unjust? Better that the British Government should relinquish those small possessions than that its fair name should be sullied by injustice. It is never too late to mend in the direction of righteous restitution.

k. It is my pleasant duty in this place to thank the Hon'ble Mr. Reid for representing, though very partially, the other side of the picture. In para. 12, and further on, he adduces some considerations to show that it is more expedient to continue our sovereignty than to annex it; and I crave your Majesty's particular attention to it. In the beginning of para. 13, however, Mr. Reid observes that "as to the effect on the Mahrattas, as a nation, I believe that beyond the Sattara territories itself, the continuance or extinction of the dynasty would be received with perfect indifference." I need hardly observe that the history of the Rebellion of 1857 has given a striking contradiction to this complacent assertion.

l. Lastly, Mr. Reid bases two arguments on military and financial grounds. He observes that the territory of Sattara intervenes between and separates the two large British military stations of Poona and Belgaum; and that it is inexpedient to allow the revenues of Sattara to be diverted from the purposes of the general government for which the resources at its commands are inadequate. These arguments are so superficial, that I know not what to do with them except to note and pass them by. It is admitted on all hands that the Maharajas of Sattara did not misapply the revenues of their State. They applied them to the purposes of the best administration of their principality, so that in the words of Mr. Reid himself, their country "flourished in a degree with which our (British) neighbouring districts cannot well sustain a comparison." So that, the revenues of Sattara were just sufficient, by the excellent management of the sovereignty by the Maharajas, to keep it in a prosperous state. Mr. Reid forgets that if by annexing our territory the British Government derived additional revenues, they had also addition territory to administer, and its good administration required those additional revenues. Besides, why should the British Government be so ill-advised, instead of observing economy in the administration of its own territories, and preventing lavish expenditure, as to cast an evil eye on its helpless, unoffending neighbour?

m. Mr. Reid further observes that the British Government must be just before it is generous. This is exactly what I humbly ask of your Majesty. I plead for justice before my gracious Queen; I claim the sovereignty as a matter of right not a favour,—though it is by your royal favour that I am permitted to advance my prayer.

B. I will now speak upon the injustice of the Minute of the Hon'ble Mr. Willoughby, quoted in extenso under paragraph 57 of this Memorial.

a. The Minute by the Hon'ble Mr. Willoughby, dated May 14, 1848, is a very elaborate and imposing document. It imposed upon the Governor-General, Earl Dalhousie, whose aggrandising policy it skilfully supported, and also on the Hon'ble the Court of Directors who were then infected by the same fatal views, and in short, this Minute principally contributed to the annexation of our sovereignty and to that destruction of other native principalities which followed. I crave, therefore, your Majesty's particular attention to the following remarks on that Minute. In order to avoid repetition, I have not dwelt on some of the arguments employed by Mr. Willoughby, such being already refuted when commenting on the Hon'ble Mr. Reid's Minute.

b. The Hon'ble Mr. Willoughby says that the question of the disposal of our sovereignty is of a grave and comprehensive character and requires most dispassionate consideration. I have already observed that the question was not a novel one. The right of an adopted heir to succeed to the Raja, had long been settled and was already established from of old by various precedents under the administration of the most distinguished British statesmen. Even if the Hon'ble Gentleman following his own dictum had considered the question "dispassionately" and "after much study and research," I feel sure he would have come to a very different conclusion. After studying with a free, open, and unbiassed mind the treaty of 1819, of perpetual friendship and alliance made between us and the Hon'ble East India Company, considering therewith the sound views and opinions of such unquestionably high authorities as Lord Hastings, the Hon'ble M. Elphinstone, Sir Thomas Munro, Lord Amherst and Lord Bentinck, Mr. Willoughby could not possibly have come to the conclusion that the Hon'ble Company could with reason and justice absorb our perpetual sovereignty. Studying this grave subject with an impartial mind he would have seen, after searching into Hindu law, that no adoption required the sanction of the supreme power. He would have

found after studying the policy of the Government to whose functions the Hon'ble Company succeeded that the word "annexation" was unknown to them. But having too little time, as he confesses in the opening remarks of his Minute, to study in all its bearings the comprehensive question so rashly raised, Mr. Willoughby could scarcely fail to arrive at a crude decision and one sided conclusion.

c. In paras. 5,6,7 the Hon'ble Mr. Willoughby quotes and professes very just and noble views. It is an easy thing to profess, but often difficult to give effect to such principles when sinister and partisan interests come into competition with them. No one can for a moment question the soundness of the propositions that—"To persevere in the one "clear and direct course, of abandoning no just and honourable accession "of territory, or revenue, while all existing claims of right are at the same "time scrupulously respected." "I would take nothing without the clearest "right. I would strain no point to make out that right, but when the right "clearly falls, I would unhesitatingly take the acquisition which the right "gives." "I am no advocate for the extinction of the native states of India "by violent and unjust means; when, however, they *fairly lapse* to us as "they *would have done* to the Government which preceded us, I would "not, except under special circumstances, perpetuate them by adoption." But these apparently just and liberal views were certainly not acted up in our case. Were our claims "scrupulously respected" by annexing our principality? Were we deprived of our sovereignty with "the clearest right" on part of the absorbing power? Was not the extinction of our state effected "by violent and unjust means?" Clearly it would seem that Mr. Willoughby made these preliminary remarks for the purpose of blinding the authorities to the grasping scheme on which his mind was set, and which he further advocates in his Minute. He considers it an undoubted prerogative of the British Government to refuse the recognition of heirs by adoption. Whence did the British Government derive this prerogative? Although claims of rivals were some times regulated by the paramount power, the power to refuse recognition was never claimed and exercised by the Government whom the British Government succeeded. Such a pretence is not sanctioned by Hindu law which makes no distinction between heirs natural and heirs by adoption. It is wholly opposed to the usage of the country.

d. Mr. Willoughby raises two questions in connection with the Sattara succession;—firstly whether H. H. Rajah Appa Saheb Chhatrapati, my late husband, had an inherent right of adoption, so as to affect the succession;

secondly whether on the supposition that he did not possess such right, it is expedient that the British Government should confer that right. Both of these questions he proceeds to answer in the negative.

e. In his 9th para. Mr. Willoughby observes that the "creation of the Sattara sovereignty in 1818–19, was an act of spontaneous liberality on the part of the British Government." To this I answer, the reply is that this is an entirely erroneous statement, as I have most fully shown above in my paras. 80–81 and in commenting on Mr. Reid's Minute. Mr. Willoughby says that the right of the British Government was the strongest, being "derived from the successful termination of an unprovoked war." But that war was *not* against the Rajah of Sattara. Every one knows that the war was provoked by, and directed solely against the Peishwa whose course was as adverse to his own sovereign the Maharaja of Sattara as against the Company and British power. It is one of the leading, if not of the chief historic facts of the time that the Maharaja Pratap Singh called in the aid of the Hon'ble East India Company as a friendly power to restrain his minister, the ambitious and restless Peishwa. (*Vide* Mr. Elphinstone's letter in para. 74). Then Mr. Willoughby, following a popular fallacy, tries to make out that "The Rajahs of Sattara had long antecedently become extinct as rulers; they retained the title, but none of the attributes of power; they were mere puppets, * * . We found them immured in a fort and in a prison, and we placed them on certain conditions on a throne. To our generosity the late Raja and his brothers were indebted for the restoration of a portion of the territory which had formerly belonged to Sevajee, and of which they had long before been deprived by the Peishwa;" * * * . These erroneous and misleading notions have been unfortunately shared by many who know that the later Emperors of Delhi were the puppets and prisoners of their Viziers; and it was probably inferred, by analogy, that the last Maharajas of Sattara were also as much the puppets and prisoners of the Peishwas. This was not the case. It is admitted that because of the later Maharajas of Sattara growing indolent and averse to active business, the whole administration and internal management of the Mahratta Empire was conducted ministerially by the Peishwa. But nothing is more inconsistent with political truth and historic facts than to say that my immediate ancestors were "the puppets and prisoners of the Peishwas." Had any of those who hold these misleading notions witnessed the state and grandeur in which the latter sovereigns of Sattara lived during the administration of the Peishwas, including that of Bajirao himself, or examined the volumin-

ous records of our Duftur (state record office) at Sattara, they would at once have perceived a state of affairs very different from the mistaken description above mentioned. They would have learnt that the Maharajas of Sattara had not been treated by the Peishwas as puppets and prisoners; but had been regarded by them as their sovereigns and referred to for their final decision on all important questions. My ancestors made and unmade Peishwas; conferred titles and dignities on their Sirdars; could draw on the public revenue to any extent and at any time; could exact nuzzurs (relief) from their vassals; received every mark of royal distinction; lived at large in fine palaces, which even now afford visible testimony of their splendid style of residence after an oriental fashion, and altogether in contrast to the talk about living in a prison All this is fully established in my paragraphs 75, 76 by adducing in evidence original records which are in my possession. Colonel Briggs, one of the early Residents at Sattara, once held those same erroneous views; but on personally seeing with his own eyes every thing about our residence and Court ceremonial at Sattara was convinced of the error into which he had fallen and afterwards described our true position and princely status. I have quoted his testimony to this effect in para. 79. And if the Maharajas of Sattara were "immured in a prison" who then enjoyed their princely palaces? The Peishwa was not at Sattara to occupy them. Had they then become the property of bats and owls?

In more than one place, the circumstances under which the sovereignty of the Maharajas of Sattara was continued by the Hon'ble East India Company have been so fully explained that I need not repeat them here. But granting that my late husband and his brother owed their re-establishment and secure restoration to the generosity of the Company, on what grounds can Mr. Willoughby or any one else pretend that the Company could undo and revoke that voluntary act of state? It is alleged that the princely State was a free gift generously made to us. Having then, as is said, generously made such a gift and engaged in a solemn treaty to continue it "perpetually" in our family to our "heirs and successors," by what political right, by what public law of nations can that Honourable Company retake our State and extinguish our sovereignty? Had there been but the semblance of such a law in the volumes of great jurists, Mr. Willoughby would certainly have quoted it. Those who fondly apply the feudal system of Europe to this case ought to bear in mind that our sovereignty was not in the nature of an estate-in-tail confined to the tenant and the natural heirs of his body; nor, indeed, could it be classed as an estate at all. No one would dream of comparing Scindia, Holkar, or the Nizam

to Bengal Zamindars; but the comparison between the Sattara State and the estates of feudal vassals in Europe is still wider off the mark.

Mr. Willoughby is however good enough to be bound by the treaty of 1819, and says that treaty "conferred the sovereignty on the Raja, his heirs and successors; but," Mr. Willoughby adds, that "does not in my judgment, confer a right, on failure of heirs natural, to create an heir by adoption." Here the bias of Mr. Willoughby's judgment plainly appears and his determined foregone conclusion is disclosed; for, let him say what he will of the treaty, if it is used and considered at all, no interpretation however violent can pare down the sense and intent of the broad comprehensive term "heirs" to the narrow limitation of "heirs natural," meaning thereby, of his own body begotten. If these "heirs natural" were only meant by the framers of the treaty what prevented them from saying so? But supposing for a moment that the term "heirs" in the treaty is open to doubtful interpretation, the benefit of the doubt ought to be given to us, the weaker party, by an established maxim of public law. It is also a rule of interpretation that in construing a document every word of it should be understood in the sense in which it is understood by the people of the place where the document was framed, and consistently with their usage and custom. Now in India it is a notorious fact supported, both by law and usage; that "heirs" include heirs by blood, heirs by collateral relation, and heirs by adoption. The officers of the Company who concluded the treaty of 1819, on the part of the Company were fully conversant with this comprehensive meaning of "heirs" as understood in India. Hence, if their intention had been to confine the sovereignty to the "heirs natural" of Mr. Willoughby's gloss, they would assuredly have qualified or explained the term used. Mr. Willoughby, cannot and dare not, plead oversight on the part of those far seeing statesmen, though his argument is tantamount to an imputation of gross blundering.

But after admitting possible claims, heirs by adoption for the sake of argument, Mr. Willoughby advances the objection that the adoption must be confirmed by the paramount power according to the immemorial custom of India. This argument has already been disposed of; but Mr. Willoughby is not consistent when he seeks to cause the British Government to act partially on the immemorial custom to which he refers. Yes; it was a custom with former sovereigns of India to claim to exercise their right of sanction to the adoptions made by their dependents, chiefs and jahagiradars for the purpose of enriching their coffers by exacting nazaranas or *reliefs* on those occasions; but it was also equally a constant custom with them, after receiving the nuzarana and after other conditions

being observed, to give their sanction to the adoption. They never annexed the territories of their chiefs and jahagiradas by refusing to give sanction to the adoption. This course would have been an unheared of innovation. Can Mr. Willoughby adduce any instances of final refusal on their part? Why then did he wish to prevent the British Government from following the immemorial custom in its entirety? The custom of suspending and regulating adoptions by means of delaying sanction only holds, if at all, in the case of dependent princes and chiefs, and cannot apply to us whose sovereignty was independent as has been abundantly shown in former paras. of this Memorial.

f. In his 11th para. Mr. Willoughby says that the practice of requiring the sanction of the paramount power prevailed at Sattara itself and that therefore Sattara should not be exempted from the general rule. Yes the practice did prevail at Sattara, but can the Hon'ble gentleman point to a single instance in which the sanction was withheld by the sovereigns of Sattara? Why should then the British Government withhold its sanction? But I contend there is no parallel between the two cases. The Sirdars and Jahageerdars of the Maharajas of Sattara were evidently their vassals and on an inferior footing, and therefore required the sanction of the paramount power, which power, after all, never refused it. They never had pretensions to sovereign powers. They had no treaties of "perpetual friendship and alliance" with the Maharajas. But the Maharajas of Sattara, after the downfall of the Peishwa, continued to be treated by the British Government as an independent sovereign power with which a treaty of "perpetual friendship and alliance" was concluded by that Government. Mr. Willoughby in support of his position refers to a case of adoption by the widow of the Guicowar; but as Mr. Sullivan of the late Court of Directors has pointed out, Mr. Willoughby has drawn upon his imagination for that instance.

g. In para. 12 of his Minute Mr. Willoughby says that the enormous alienations made by former Governments were resumed "at the caprice of the prince, or more frequently often on failure of heirs," * * . The latter part of this assertion is not borne out by facts; and Mr. Willoughby himself, just afterwards qualifies it by saying that they were "sometimes continued on payment of a large nuzarana or relief." The general rule was to exact a *nuzarana* and then to sanction the adoption; but even if an estate was capriciously confiscated by a native prince it was generally restored afterwards on the heir winning his master's favour. Mr. Willoughby

further observes that on failure of heirs "resumption has been the rule and a continuance of the grant the exception." This statement too is very seriously at variance with facts. During the short period of 21 years between 1826–1847, no less than 15 adoptions of native princes were recognized and sanctioned by the British Government. It was only during the later and brief period of Earl Dalhousie's administration that sanctions to adoptions were arbitrarily refused and the annexation policy triumphed; but this has since died a well merited death, never to be revived hereafter as your Majesty has graciously assured us. Had the question of our adoption arisen either before or after the notoriously destructive career of his Lordship, there can be no doubt but that it would have been disposed of in quite a different manner. Mr. Willoughby then cites in support of his view, Mr. Anderson formerly a judge of the late Sudder Adawlata. But what is the supposed precedent worth? The case on which Mr. Anderson gave his opinion was one regarding the adoption of some petty jahagirdars; but even in that instance the other judges differed from him as they considered proof by evidence necessary. Mr. Willoughby could not pretend to look upon our independent sovereignty as a mere Jahagir. To regard our principality in that light is another misapplication of facts and principles.

h. Mr. Willoughby in his 13th para. quotes in support, as he thinks, of his opinion the views of the Hon'ble the Court of Directors. In the first place it must be observed that again the Court's orders refer to a mere Jahagir; but even admitting the application of the Court's orders to our case, the tenour of these orders only strengthens my cause. For the Hon'ble Court ruled that when "the refusal of your permission to "adopt would be considered an act of harshness, still more when it would "be considered an injury, the permission should be given, but otherwise "not, unless as a reward, merited either by special services or by general "fidelity and good conduct, and especially by a good administration of "the Jagheer. It is your *duty* not to *violate any express or constructive right*," * * *. Now can there be any doubt that the annexation of our sovereignty was looked upon as anything but a signally harsh and unjust measure both in India and in England? Was it not so considered and denounced by such eminent politicians as Sir G. R. Clerk, the Hon'ble Sir Bartle Frere, the Hon'ble St. George Tucker, Chairman of the late Court of Directors, General Briggs, the Right Hon'ble Holt Mackenzie, Sir Robert Campbell and several others? Was not a petition presented to the late Court of Directors by numbers of the good citizens

of London against the harshness and injustice of the annexation of our sovereignty? And, if any one deserved, did not my late husband merit permission to adopt "as a reward for special services, general fidelity and good conduct, and especially by a good administration of the Jagheers"? He rendered valuable assistance to the British Government to suppress the rebellion at Kolapore in 1844. He was a faithful ally of that Government. His conduct was unexceptionable and his administration was a "model" to native princes of India. In support of these statements I would refer to the Minutes of the annexionists themselves as those of Mr. Reid, Mr. Willoughby, and Lord Dalhousie. Then does not this annexation violate not only a "constructive" but an "express right"—that of us and our heirs provided by the treaty to succeed to the *Raj*? Mr. Willoughby dared not assert in so many words that there was not under the treaty even a constructive right of our adopted heirs to the succession.

i. In the 14th para. of his Minute Mr. Willoughby instances some petty Jagheerdars to show that adoption was not recognized in several cases in this Presidency. But it has been repeatedly shown that these instances of Jagheerdars do not apply to an independent sovereignty like ours. Mr. Willoughby, however, also quotes the cases of Sangalee and Jumkhundee as exceptional in which permission was given to adopt for the "loyalty and attachment to the British Government," of the one and for "the uniform loyalty, and good administration" of the other. Now, therefore, for consistency's sake, at least, the Hon'ble gentleman ought not to object to our adoption. For it was admitted by all (and he among the number) that not only were our loyalty and attachment to the British Government unimpeached, but the administration of our sovereignty was satisfactory. But consistency is not to be looked for in Mr. Willoughby's biased argument.

j. Mr. Willoughby in his 15th para. perversely misinterprets the rules of the Court of Directors above alluded to, and the views of several distinguished men as being "adverse to adoptions except as relates to private property." For I have shown above that those rules do not apply to our case and that even admitting those rules we should be upheld in our claim.

k. In the next two paras. Mr. Willoughby in the tone of a philosopher, dwells on the social evils of adoptions but your Majesty will at once admit that the subject of social and domestic difficulties does not come

within the purview of the Honourable Councillor. Surely he did not profess to be our reformer and it would have been more prudent had he not meddled with that subject.

l. The 18th para. of the Minute is a digression with which I am not concerned, and therefore, I pass over it.

m. In his 19th para. Mr. Willoughby holds that the British Government stood in the relation of lord paramount to our sovereignty on these grounds: "1st. as successors to the Emperors of Delhi; 2nd as successors to the Peishwas, the *de facto* rulers of the Mahrattas; and 3rd as the grantors of the territory of which the Sattara State is composed." As regards the 1st ground Mr. Willoughby has carelessly or through ignorance sought to subvert the plain facts of history. Was the Maharatta Empire a dependency of the emperors of Delhi? The very term 'empire' gives contradiction to this supposition. And it is illogical to conclude that because the great Sevajee Maharaja before he formally asserted his independence, assumed the title of King, and was crowned King, had obtained the confirmation of his conquests from the Delhi Emperor, that therefore he and his successors were dependents of the Mougul emperors. Can Mr. Willoughby point to a single instance in which since the coronation of Sevajee Maharaja he or his successors sought confirmation of any of their measures? Far from looking upon the emperors of Delhi as their superiors and seeking their sanction, our nation always treated them as invaders and usurpers, snatched a great portion of our country from their hands, and would have effected their total overthrow, had it not been for the rise of British power in India. As regards the 2nd ground I need here say nothing, as I have in several places shown this plea to be utterly untenable by producing among other things some of the autograph letters of the Peishwas themselves. Also the third plea requires no refutation here, as I have, in commenting on the Minute of Mr. Reid and elsewhere, explained the circumstances of the so called "creation" of the Sattara sovereignty.

n. In the 20th para. of his Minute, Mr. Willoughby observes that "the late Raja of Sattara was well aware that the sanction of the British Government was essential to ensure to his adopted son the succession to the Sattara State." Here Mr. Willoughby seeks to take an unworthy advantage of the devotion and attachment of my late husband to the British Government. His Highness looked upon that Government as his best friend and consulted it in every matter. It was in this trustful confiding

light he referred the matter of his adoption to the British Government and acknowledged its right to be referred to in order that its formal sanction should be given to his act of adoption. But supposing that the late Raja wrote letters to the British Government with a view to obtain its sanction to the adoption, can those letters in any way affect the provisions of a solemn public engagement like the treaty of 1819, which having become part of the history of the British Empire requires no sanction? Mr. Willoughby could not need be told that a regularly negotiated and duly ratified treaty cannot be superseded by such letters, but was followed only by another solemn treaty.

o. In his 21st para. Mr. Willoughby says that by the treaties of 1819 and 1839 the late Rajah, my late husband, possessed no right of adoption. "On the contrary," he adds, "he (my husband) was well aware that at the time of his being seated on the musnud, the question of perpetuating the state by adoption was designedly left for future consideration." Now I have so satisfactorily disposed of the 1st assertion elsewhere that it is not necessary to dwell upon it here. No sophistry nor hardihood of denial can get rid of such terms as "Furzand," "Waris," and "Kaim-mukam" which occur in the first draft and in both the treaties. But let me here make one comparison for your Majesty's impartial consideration. In your country you have what are called estates in fee simple which are left to a man and his heirs; and by the law and usage of your country this term "heirs" is construed to include not only "heirs of body but also heirs *collateral.*" Why not then, on the commonest ground of fairness and consistency, might the same rendering be applied to the term "heirs" in the English form of our treaty? Why not on this principle construe the term "heirs" of our treaty which by the law and usage of our country means both heirs by blood and heirs by adoption?

With regard to another bold assertion of Mr. Willoughby's, let me simply ask, why, if the British Government at the time of seating my husband on the musnud did not wish to perpetuate the sovereignty by adoption, did they not expressly make a provision to that effect in the treaty of 1839? Why did they retain the strong and inclusive terms "Furzand," "Waris" and "Kaim-mukam" of the treaty of 1819? Why and how was the question of succession by adoption left for future consideration? No one seems to know anything of this alleged postponement except Mr. Willoughby. In 1839 there was a fine opportunity for the British Government to diminish its obligation by modifying the old treaty, but as they deliberately allowed that opportunity to pass by, no after thought contrary

to any of its terms can have any weight whatever. Hence as neither the original nor the renewed treaty excludes heirs by adoption; the British Government is bound by every political obligation and international law to recognize our adoption, supposing a recognition on its part was essential.

p. The arguments brought forth by Mr. Willoughby in his 22nd para. have been disposed of while commenting on Mr. Reid's remarks, and elsewhere; therefore they are passed over now.

q. Mr. Willoughby, in the 23rd para. refers to the two instances of Cutch and Baroda in which the British Government relied on the English version of the treaty; but if it had done the same in our case, though the original Mahratta is fuller, none of this great trouble would have arisen. Unfortunately I know nothing of the circumstances under which the treaties with Cutch and Baroda were concluded, nor of the occasion of their interpretation; but, as is pointed out in his dissent by the Hon'ble Mr. Melville, the succession in the treaty with Cutch was expressly limited to the "legitimate offspring" of the Raja. And the verdict of Sir John Malcolm, a distinguished statesman, admitted even by Mr. Willoughby, to be a great authority, is certainly of a different kind. That great man observes that the treaties entered into by the British Government with the native powers of India should receive that interpretation which is put upon them by those powers. But as regards our treaty the question is not so much whether the English or the Marathi version of it should be depended on, but whether the version understood by one party or that understood by both parties should be followed. And as there can be but one opinion that the version understood by both parties should be held authoritative, then the Marathi version of our treaty which is understood by the framers on the part of the Hon'ble Company and themselves is the one that should be preferred. And Mr. Willoughby incidentally admits our right of adoption by the Mahratta version of the treaty; for he says, "no argument can fairly be drawn in favour of the adoption made by the late Raja, from the words introduced into the Maratha, and not to be found in the English version of the treaty." As the Maratha is the original, the Honourable gentleman gives up his case and there is an end of the matter. But even if compelled to rely on the English version I have shown, in commenting on Mr. Reid, that our right of adoption is abundantly implied and cannot be extinguished.

r. In 24th para. Mr. Willoughby tries to back up the views expressed by Mr. Reid in paras. 5 and 6 of his Minute which I have already com-

mented on. But I must remark further that there are no "ambiguous phrases introduced by able vakeels" in the treaty by which to "overreach" the British Government. The phrases are as plain as the blue sky, and those conversant with our language can easily understand them.

s. Mr. Willoughby at last takes his stand on the low ground of expediency and considers the question in military, financial, and political points of view. But the arguments he has adduced here are the same as those advanced by Mr. Reid whose Minute I have already fully commented on. To avoid repetition, therefore, I beg to refer your Majesty to these paras. I will, however, notice some of Mr. Willoughby's additional observations. He alludes to the alleged violation of the 5th article of the treaty by my husband's brother Maharaja Pretapsingh: but by the same article, though he is subjected personally to the loss of all advantages, that circumstance does not taint his blood and destroy the right of the *Raj*. Hence my husband succeeded him, and there is no honest reason or decent excuse why the heirs of my husband (the late Raja) should not succeed him in due course. Then Mr. Willoughby quotes Lord Macaulay to the effect that no Government "exists of which the intentions are purer, or which, on the whole, has done more to extend civilization and promote the happiness of the human species." No one doubts the purity of the intentions of the British Government, though how far th[illegible] intentions have been successfully carried out is a different question. I[illegible] if on that merit it be argued that the British Government should s[illegible] plant other Governments, let a beginning be made in Europe, and a[illegible] that extend the principle to the helpless native Governments of India. [illegible] however the question of succession to our sovereignty were to be deci[illegible] by the universal suffrage of the people whom we formerly ruled [illegible] should even now willingly submit to that test.

t. The Honourable Mr. Willoughby in his closing para. quotes in s[illegible] port of his views from the speech of Mr. Lewis, Secretary to the Board [illegible] Control. There is nothing new in the speech calling for special criticism, but there is one thing in it on which I have laid stress all through this appeal, viz. that the sovereignty of Sattara was independent. And Mr. Lewis quotes from a paper written by the Marquis of Hastings during his voyage home from India to the effect that "to the Raja of Sattara an *independent* territory had been assigned out of the late Peishwa's possessions." The italics are mine. The mention of this important fact by His Lordship in a State paper, quoted without remarks by our opponents Mr. Secretary Lewis and the Hon'ble Mr. Willoughby, carries with it overwhelming force and weight.

78 The Earl of Dalhousie, that Governor General of India, who made himself notorious by his annexation policy, who disquieted the minds of the Indian princes and peoples, who shook their faith in British Treaties and British Justice, whose policy induced the terrible mutiny of 1857, and whose very name is even now a terror to the Princes and Chiefs of this country—that Governor General, fully approving of the opinions of the Hon'ble Messrs. Reid and Willoughby, with a view to extend the Company's territories most eagerly sought the annexation of the little principality of Sattara.

A. I now speak of the fallacious arguments and unjust statements in the Minutes of the Earl of Dalhousie and his colleagues, the Honourable Mr. Melville and General Littler.

The Minute by Lord Dalhousie, is quoted in my para. 59.

a. Let me first examine the Minute of the said Governor General Lord Dalhousie. The annexation policy pursued by his Lordship in open violation of treaties, engagements, good faith, and British honour, produced not long after such bitter fruits and has since been so fully exploded that it is not necessary to review at any great length his Lordship's arguments in favour of annexing our *raj*. Besides, those arguments have been chiefly borrowed from the Minutes of the Hon'ble Messrs. Reid and Willoughby. There are however a few points on which I beg to offer certain remarks.

b. I beg to draw your Majesty's attention to the very first para. of his Lordship's Minute in which—he distinctly admits the independence of our sovereignty by writing—"whether the State of Sattara shall be continued as an *independent* sovereignty," &c.

c. In the 6th para. His Lordship raises two questions for decision in connection with our principality. 1st "Is the British Government bound, as a matter of justice and right, to recognize the boy thus adopted as being actually the successor of the late Raja, and heir to the throne of Sattara? 2nd "If not, as a matter of justice and of right, ought the British Government to approve of the succession of this boy, as a matter of wisdom and sound policy?" It is satisfactory to observe that his Lordship, unlike some other annexationists, does profess to take into consideration the higher claims of Justice and Right.

d. In his tenth para. his Lordship observes, that even the Maharajas of Sattara, on the death of the holder of a "fief" without issue, exercised the right of deciding whether they should refuse or ratify the adoption.

The Maharajas, however, were not capricious in this matter. They consistently ratified the adoption on the payment of a *nuzerana*. But it is useless thus to instance a "fief" when the question regards an independent perpetual sovereignty co-operating with the British Government. Does it become his Lordship to compare such independent sovereignty to a "fief"? Surely this is doing great violence to the English language.

e. His Lordship in the 11th para. of his Minute quotes the opinion of Sir James Carnac, formerly Governor of Bombay, to the effect that after the demise of the Rajah, my husband, the State of Sattara would or might lapse to the British Government. But this, as already remarked, was an individual opinion supported by no arguments and clearly opposed to the terms of the treaty. It is therefore a mere idle remark and entitled to no weight. His Lordship, in the following para. of his Minute, observes that the opinion of Sir James Carnac "was in no degree repudiated by the State of Sattara." How could the State of Sattara repudiate this view when that State was totally ignorant of it? It was never communicated to it; and the "State of Sattara" had no other channel of access to the state papers of the British Government. Then his Lordship remarks that the vakeels of the ex-Raja (my husband's elder brother) did not call in question the correctness of Sir James Carnac's views. It is impossible to see how the admission of those views by other parties can affe our claims; for, the vakeels of the ex-Raja were not our vakeels; on th contrary, they had gone to England to plead the cause of the ex-Raja opposition to the succession of my husband, the late Apa-Saheb Maharaj

f. In para. 13 his Lordship remarks that my husband admitted tha the sanction of the British Government was necessary to his adoption. This is a misrepresentation. My lamented husband, who was staunchly devoted to the British Government, did every thing with the consent of the British Government; besides, he was bound by the treaty to be guided in all matters by the advice of the British Agent at His Highness's Court. Therefore, his seeking advice of that Government on these grounds cannot be construed into an admission by him that, the sanction of the British Government was indispensable to ratify his adoption.

g. In para. 22 of his Lordship's Minute, his Lordship finds himself unable to admit the force of the argument of Sir G. Clerk, the Governor of Bombay, against the annexation of our sovereignty, based on the "happy and prosperous condition of the State, and the just and praiseworthy Government of the late Raja." And in assigning reasons for re-

jecting that argument, his Lordship has fallen into an illogical train of reasoning hardly worthy of a great statesman. His Lordship argues ;—" but if the excellence of his (my husband's) Government proceeded only from the excellence of his own disposition, I find in that fact no argument for the continuance of his sovereignty to others, whose disposition may differ widely from those so happily displayed by His Highness, and whose administration may be as conspicious for oppression and misrule as that of Shreemunt Maharaj has been for wisdom and mildness." Your Majesty will perceive that his Lordship begins with "if" and has no data whatever to assume that my husband's good government proceeded only from his own excellent disposition. Sir G. Clerk nowhere expresses himself to this effect. His Lordship, therefore, before deducing such an important inference, should have made himself sure of his premises. If His Lordship had taken pains to inquire, he would have learnt that the institutions of the Mahratta empire were admirably adapted to secure good government. These institutions had a contemporaneous existence with the foundation of the empire itself (*See* Grant Duff's *History of the Marathas* Vol. I., Bombay edition :) on "the institutions founded by the great Sevajee Maharaj"; and your Majesty will also find from some of the original letters I have produced in this appeal that the successors of Sevajee Maharaj upheld these institutions. Thus, when Raghoba caused the murder of the [redacted]shwa Narayanrao, my ancestor Maharaja Ramraye was so much horrified [redacted] that foul deed that he deposed Raghoba, observing "this is a righteous [redacted]vernment and the deed was unworthy of it" (*See* extract No. 132). [redacted]us careful were my ancestors of good government. In the next place [redacted]t only the late Rajah, my husband Apasaheb Maharaj, but his brother [redacted]ratapsing Maharaj were both excellent rulers. In the words of the [redacted]on'ble Mr. Reid they were "model Indian princes" (*See* Mr. Reid's Minute para. 15). Is it not a fair presumption then, that their regular and legal successor would also have made an excellent ruler ? But, supposing his disposition to differ widely from the two preceding sovereigns, he was bound by the treaty to be "guided in all matters by the advice of the British Agent" who would have given him the best advice, which if he would have not followed, then a fair opportunity might have been presented to absorb the raj.

h. The abandonment by your Majesty of the policy inculcated in paras. 25, 27 and 28 of Lord Dalhousie's Minute, which produced such disastrous results shortly after its exercise, affords an effectual refutation to his Lordship's plausible but fallacious reasoning.

i. The military and financial arguments borrowed by his Lordship from the Minute of Messrs. Reid and Willoughby, have been elsewhere dwelt on at length and are unworthy of a Governor General of India.

B. I will now reply to the Minute of the Hon'ble Mr. Millet, quoted in para. 60 of this Memorial.

a. Next in order I come to the Minute of the Hon'ble Mr. Millet who very briefly records his opinion based on arguments already reviewed. It is desirable, however, to notice one point in his Minute to show his bad logic. He tries to make a distinction in principle between the treaties of 1819 and 1839 and says, "as respects the treaty of 1839, we have the explicit declaration of the Governor of Bombay, by whom it was made, that no such intention (as conferring right to adopt) was entertained by him." To whom was this "explicit declaration" made? Was it made to the late Rajah, my husband, Maharaja Appa Saheb, when he ascended the throne or afterwards? I repeat such declaration was never communicated to him and he never dreamt of any such proviso. Was it inserted in the treaty of 1839? There is that solemn document confirming all articles of the treaty of 1819 and only modifying its 7th article so far as to place the six Jahageerdars under the direct management and control of the British Government. The so called "declaration" which if ever made in fact, was merely a personal opinion of the then Governor of Bombay so far as my husband was concerned, it could be looked upon in no other light than a mental reservation of the Governor, whereof my husband being only a mortal man, had no means of knowing. He solely depended upon the express terms of the treaty to which we appeal. And if it be observed that the Governor of Bombay, whilst entering into a treaty with the Rajah my husband, cherished such reservation in his mind, without even apprising my husband of it, with a view to turn it to account in future, the avowal of such a cause would bring shame on the boasted good faith of the British Government. But waiving all this, which is to carry greater weight, the unsupported declaration of the Governor of Bombay as applied by the Hon'ble Mr. Millet, or the document solemnly ratified by the Governor General of India?

C. I will now offer my comments upon the Minute by the Hon'ble Major General Sir J. H. Littler, G. C. B., quoted *in extenso* in paragraph 60 of this Memorial.

a. There are one or two points in this very brief Minute of the Hon'ble Major General Sir J. H. Littler, G. C. B., which demand a passing notice. The Hon'ble Major General remarks that "the rite of adoption is in strict

accordance with Hindoo law and usage, and fully recognized by the British Government." Then he goes on to say that—"doubts, however, are now entertained, and I think very justly, of the right the boy possesses, under this adoption, to succeed to the sovereignty of the Sattara territory." It is clear from this language that the adoption, when it was made by the late Raja my husband, was *fully* recognized by the British Government. Was it fair then, I ask, subsequently to raise doubts on this point and for the sole purpose of supporting the party who became judge in his own cause ?

b. I am glad here to bring to your Majesty's notice that the military argument adduced by those amateurs tacticians, Messrs. Reid and Willoughby and followed by Earl Dalhousie, finds no favour with this gallant General, who being himself a military man in high position, his opinion is entitled to far greater weight and consideration than that of the Civilian Members of the Bombay Council or of Lord Dalhousie himself.

79. It is well-known that the first important victim of the annexation policy of 1848-57 was the unfortunate sovereignty of Sattara. The seed of that policy was sown by the hon'ble members of the Council of the Governor of Bombay, Messrs. Reid and Willoughby. It was, as I have shown, nourished with great care by the Earl of Dalhousie and his Counillors, the Hon'ble Mr. Millet and Major-General Sir J. H. Littler. The Hon'ble the Court of Directors, with certain still more truly honourable xceptions, gladly tasted its first fruit in the absorption of our principality. here were, however, many wise men in England who knew that he tree of the fruit of which the Company was beginning to taste was he tree [illegible] Iniquity, and its fruit, like Dead Sea apples, tempting to the sight l[illegible]oxious within. These righteous men also knew that in the sight [illegible]he God of justice, and in the light of British truth and honour, [illegible]e policy was hateful and fraught with direct peril; therefore they exerted themselves to the best of their powers to dissuade the Courts from plucking that poison fruit, in the hope of averting an ignominious stain on British justice; bnt all in vain. The President of the Board of Control, Sir John Hobhouse, aided notably by Mr. R. D. Mangles, a Director, tempted by the earth hunger of the day, and by a wish for increasing the Company's revenues and patronage, laboured hard to appropriate our principality, and at last succeeded, but on what shallow pretexts and short-sighted pleas may be seen below.

A. I will now endeavour to expose the impropriety and injustice shown in the despatch of the Court of Directors, thus finally decreeing

the annexation of my territory, and afterwards will controvert the views expressed by Sir John Hobhouse, Lord Falkland, and Mr. Mangles.

B. The opinions of the Hon'ble Sir John Hobhouse are copied in my para. 62.

a. Sir John Hobhouse, Bart., M. P., in replying to Mr. Hume, and trying to vindicate the annexation of our principality, shows much ignorance of some well-known facts, and represents others in such false light as to require a passing notice. Sir John asserts in his speech that he never before heard the doctrine that an Indian Sovereign had a right to adopt heirs to his sovereignty as well as to his personal property. Had Sir John read Indian History at all? Had he studied the decisions and sentiments of such eminent British statesmen as Lord Amhurst, Lord Bentinck, Lord Auckland, Lord Metcalfe, Marquis of Hastings, Sir G. Clerk, and Sir Bartle Frere? I have quoted the invaluable testimony of these experienced persons in my paras. 69 & 86 from which it is quite clear that the doctrine of which the right hon'ble gentleman betrayed such profound ignorance had long since been acknowledged by the British Government. What can be clearer than the following statement by Lord Metcalfe:—"Those who are Sovereign Princes in their own right, and of the Hindu religion, have, by Hindu law, a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power; the latter, in fact, in such cases having no real existence, except in the case of absolute want of heirs, and even then, the right was only assumed by virtue of power; for it would probably be more consistent with right were the people* of the State so situated left to elect a Sovereign for themselves."

b. Sir John, further on, asks the question, are there "heirs and successors" to the Sattara sovereignty?—and then "boldly" says there are not. But had he ever read the following from the report of Sir Bartle Frere, then Resident at Sattara?—"But there are many who might have asserted their claim had *no* adoption taken place, and who may possibly assert it now, should they hear that both adoptions are invalidated; and any of them, as far as I can judge of the facts of the case before me, would, were other competitors, save the British Government, out of the field, be able to establish a very good *primâ facie* claim in any court of

* The counterpart and corroboration of the above remark, by this Indian statesman of very large experience, is at once to be recognized in the *kaim-mukam* (durbarees and attendants) which was so prominently included in our original treaty by the Bombay statesmen and officers of the Hon'ble East India Company.

justice in India, to be the Raja's heir by blood, as *against* the British Government in its character of heir to all who die leaving no natural heirs of their own, which appears to me the only character in which our Government can, consistently with the treaty, lay claim to the Sattara State."

c. Sir John Hobhouse then alludes to a letter sent to England by the Maharaja Pertaub Singh, in which, adopting the oriental fashion of hyperbole, he lauds the old East India Company to the skies, avowing himself (the Rajah) as their vassal and dependent. But, strange to say, Sir John does this when trying to get rid of the obligation created by a solemnly ratified instrument of State policy. Then Sir John goes on to misrepresent the opinion of Lord Auckland by observing that His Lordship was decidedly in favour of annexation. In reply to this—if His Lordship were so disposed, how came he so distinctly to recognize the adoption made by the Raja of Oorcha in 1837 to provide his successor ? Then he makes another idle remark that the Governor of Bombay was in favour of annexing our sovereignty. This amounts to a misrepresentation, seeing that Sir George Clerk was the Governor of Bombay when the case of our sovereignty first came before Government [illegible]d the Court, and it is needless to remind your Majesty that the above [illegible]nute of that clear-headed and experienced Indian officer advocated the [illegible]ntinuance of our principality, and strongly denounced the proposal to [illegible]ze it. Then Sir John Hobhouse triumphantly points to the majority, [illegible]ugh secured by most unworthy means, of the Court of Proprietors in [illegible]vour of annexation. But I have detailed in para. 69 the circumstances [illegible]der which the so-called majority was obtained ; and, for decency's sake [illegible]t least, a British Minister should have spared the House of Commons any allusion to that transaction. Next, Sir John remarks that no resolution of Parliament "could have the least effect, either upon the East India Company or upon the Governor-General of India." I have been taught to look upon the High Court of Parliament as the source of all legal power and the guardian of your Majesty's subjects—an assembly whose decision in any matter fairly brought before it is final. How, then, could a body of traders, or their nominee, the Governor-General, have power to defy the resolution of the House ? Finally, there is another gross misrepresentation of which Sir John is guilty, when he says that neither the recognition of the adoption made by Maharaja Pertaub Singh, nor that made by my husband, Appa Saheb Maharaja, could have satisfied Mr. Hume, or the Hon'ble Mr. Tucker, or any other

dissentient Directors. How contrary this loose assertion is to the views of these gentlemen may be seen in para. 69 of this appeal, where their own words are fully quoted.

C. The views of Lord Falkland are set forth in para. 62.

a. The Minute of Lord Falkland, the successor of Sir G. Clerk as Governor of Bombay, is not entitled to much weight, as His Lordship, at the time of penning the Minute, had, to use his own words, "no experience in Indian politics," and was "compelled to rely on others for information in regard to many things." On the question of the Sattara succession, your Majesty will at once perceive that, of the two Minutes written by the two Governors of Bombay, that of Sir G. Clerk, the more experienced, is incomparably better entitled to be relied upon. It is desirable, however, to notice one or two points in His Lordship's Minute.

b. With regard to the adoption by the Raja, my late husband, His Lordship observes that it was "valid to the extent of the validity given to adoptions by that (Hindu) law. This comprehends the inheritance of all private rights and personal property, but certainly not, in so far as I have been able to ascertain, the succession to public rights or the inheritance of a sovereignty." Now, I would fain ask, where is this distinction made by the Hindu law between public and private rights in the case of adoption? The books of the Hindu law that have come down to us nowhere state such distinction; and if His Lordship admits the validity of the adoption made by my husband "to the extent of the validity given to adoptions by that law," then certainly it comprehends not only the inheritance of all private rights and personal property, but also the succession to public rights or the inheritance of a sovereignty.

c. In para. 7 His Lordship comes to the conclusion that "the heir to the sovereignty is the adopted son, or that there is no heir." I contend that since the word "heir" in the first article of the treaty is nowhere limited in its comprehensive signification, nor is there any thing on the face of the instrument to warrant the limitation of its sense, it must extend not only to the heirs of the body and heirs by adoption, but to collateral heirs as well.

d. In the 8th para. His Lordship remarks, in support of the military argument adduced by Messrs. Reid and Willoughby, that the population of the Sattara districts are "hardy, daring, and disposed to be predatory in their habits." If such is the case, then a wise statesman would rather not revolutionize the institutions under which such people live content-

edly. He would not rouse their "daring and predatory disposition" by depriving them of their time-honored *raj*. This statement of His Lordship also furnishes a complete reply to the argument of State policy put forth by Messrs. Reid and Willoughby, and followed by Earl Dalhousie, to the effect that the reasons of policy which led to the restoration of the Sattara sovereignty in 1819 had ceased to exist in 1849. Those reasons did exist in 1849, according to Lord Falkland, and therefore our sovereignty ought to have been maintained on grounds of State policy.

e. Lastly, I would direct your Majesty's attention to another remark by His Lordship, which disposes of the financial argument brought forth by Messrs. Willoughby and Reid. His Lordship observes —"I am not disposed to dwell much upon the financial considerations attaching to these questions"—of the Sattara succession. His Lordship evidently considered that the political covetousness displayed by the two Councillors was mean, and unworthy to be countenanced by an English nobleman sent out as an Indian Governor.

D. The arguments of Mr. R. D. Mangles are copied in para. 62.

I now turn to the paper delivered in by Mr. Mangles, M.P., a member of the Court of Directors, recording his reasons, which furnish excuse to the numerical, but uninformed majority of the Court of Directors for annexing our sovereignty to the British dominions in India.

g. Mr. Mangles, in the opening of his paper, lays down the courses for the British Government to choose between on the death of H. H. the late Raja, my husband, namely, that "it should recognize the late Raja's act of adoption as conveying not merely his personal rights and property (as of course it does, if the rites have been conducted in conformity with Hindu law and custom, as prevailing among the Mahrattas), but succession also to the sovereignty conferred upon him by the treaty of 1839 ; or, secondly, that it should set aside the adoption in favour of the late Raja's next of kin ; or, thirdly, that it should re-annex the territory of Sattara to the dominions of the Company." On the first two points, of course Mr. Mangles arrives at the conclusion that neither the adopted son of my late husband, nor his next of kin, have a right to the succession of the *raj*. The train of reasoning he has followed in arriving at such a conclusion is somewhat different from that of other annexationists. But I am prepared to meet him on his own ground, and earnestly solicit your Majesty's attention to the following.

b. Mr. Mangles has laid down a very strange doctrine not to be found in the political code of any nation. Because the British Government, being the stronger of two contracting powers, and anxious to secure its own interests, imposed certain conditions on us, the weaker party, in the treaty made in the disturbed and unsettled times of 1819, that therefore, in Mr. Mangles' opinion, my husband and his brother, to whom an independent sovereignty was restored, were "mere instruments," never intended by the British Government to be "free agents." For he argues that though, "by the first article of the treaty, the British Government agreed to 'cede in perpetual sovereignty to the Raja of Sattara, his heirs and successors,' certain specified districts, the limitations and restrictions under which the Raja was placed by the succeeding articles of the treaty (so comprehensive and stringent as not to leave him the freedom of action enjoyed by the humblest individual in a private sphere of life), appear to qualify most materially the sense which, according to all fair rules of construction, as applied to an entire instrument, we ought to attach to the terms in question." These limitations and restrictions, according to Mr. Mangles, are that the Maharaja was bound "to hold the territory in subordinate co-operation with the British Government;" "to be guided in all matters by the advice of the British Agent at his Court;" "at no time to increase [redacted] diminish the military force without the previous knowledge an consent of the British Government;" "to forbear from all inte course with foreign powers, and with all Sirdars, Jaghirdars, Chi and Ministers, and all persons of whatever description," other t those subject to his authority; "to have no connexion or cor pondence" with such parties; "any affairs that may arise with them relating to His Highness are to be exclusively conducted by the British Government."[v]

Your Majesty may be pleased to notice the absurd parenthetical remark quoted from Mr. Mangles, who represents the Rajas of Sattara to be the slaves of the late East India Company, and as not having even the "freedom of action enjoyed by the humblest individual in a private sphere of life." Did the Company, then, release Maharaja Pertaub Singh from the so-called "dungeon" to make him their slave? How could this alleged abject condition of the Sovereign of Sattara be reconciled with the "antiquity" and political standing of the House of His Highness, and the maintenance of his family in "comfort" and "dignity," in consideration of which His Highness was said to be seated

on the throne ? What could Mr. Mangles say to these considerations ? This is, however, by the way ; for I must turn to his "limitations" and "restrictions." It is really impossible to see the force of the argument drawn by the hon'ble member of Parliament from the several conditions imposed on Maharaja Pertaub Singh by the British Government. Does History lack instances of one power imposing on another much harder terms than those imposed on Maharaja Pertaub Singh, without the latter power ceasing to be an independent state ? Does Mr. Mangles forget the most humiliating terms imposed by the victorious Romans on the crippled state of Carthage at the end of the First and Second Punic Wars ? Yet I do not believe any Italian Mangles ever considered that Carthage had lost its independence because of those terms. Even modern history abounds in instances of independent states renouncing some of their original and inherent rights. The little state of Saxe-Coburg, as also larger states in Germany, are bound by a military convention to incorporate their troops with the Prussian army, but they are not, on that account, considered dependencies of Prussia. Belgium and Switzerland have been bound by other European powers to observe perpetual neutrality; but who ever dreamt that those countries, because of having accepted that condition, were not perfectly [redacted]dependent ?

[redacted]c. Again, by the treaty of 1809, the British Government bound the King of Cabool not to permit any Frenchman to enter his territory.* Did that King or Ameer, therefore, lose his independence ? [redacted]y the treaty of 1815, the Raja of Nipal "engages never to molest or disturb the Raja of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the State of Nipal and the Raja of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government, by whose award the Raja of Nipal engages to abide." Also, "the Raja of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European or American State, without the consent of the British Government."† It will at once be admitted that these were rather hard conditions to be imposed on, or be accepted by, the Raja of Nipal, but will any one for a moment suppose that they caused the forfeiture of the Raja of Nipal's independence ? I shall, however, come still nearer home. By the treaty of 1802, concluded by the British Government with our Prime

*Aitchison's Treaties, Engagements, Sunuds. Vol. II., p. 429.

†Aitchison's Treaties, Engagements, Sunuds. Vol. II.

Minister, the Peishwa, as "executive head of the Mahratta Empire," he engaged "neither to commence nor to pursue, in future, any negotiations with any other power whatever, without giving previous notice and entering into mutual consultation with the Hon'ble East India Company's Government;"* and by the treaty of 1817 he was still more bound "never to admit into his territories any subject of any European or American power whatever, without the previous consent of the British Government;" and in the next article "engages neither to maintain Vakeels or other agents at the Court of any power whatever, nor to permit the residence of Vakeels or other agents from any power whatever at his Court;" further, "to hold no communication with any power whatever, except through the Resident or other Minister of the Hon'ble Company's Government residing at His Highness's Court; and His Highness Rao Pundit Purdhan Behauder hereby, for himself, and for his heirs and successors, recognizes the dissolution, in form and substance, of the Mahratta confederacy, and renounces all connexion whatever with the other Mahratta powers, whether arising from his former situation of executive head of the Mahratta Empire, or from any other cause."† No one, I think, will ever doubt that these were very hard conditions imposed on our Prime Minister; but I believe no one—not even Mr. Mangles himself—will for a moment presume that, by these conditions, the Mahratta Empire ceased to be an independent power, and became a dependency of the small British dominions in India. Now, with regard to those conditions imposed by the East India Company on Maharaja Pertaub Singh, as a precautionary measure against a renewal of Mahratta influence and confederacy, it must also be borne in mind that he did not subject himself to those conditions without consideration, or advantage on his own side. For, feeling himself weak, he bound the British Government on its part to "charge itself with the defence of the Raja's territories" (*i.e.*, our empire), and "to protect His Highness from all injury and aggression." So it will be perceived that the conditions mutually imposed upon the contracting parties were voluntarily submitted to with a view to their respective interests. Mr. Mangles, in support, as he thinks, of his argument, quotes from the correspondence that took place between Lord Hastings and the Hon'ble M. Elphinstone; but does he need be told that no amount of parol evidence can avail in construing a solemn instrument like the treaty of 1807? If the word

* Aitchison's Treaties, Engagements, Sunuds. Vol. III., p. 80.

† Aitchison's Treaties, Engagements, Sunuds. Vol. III., p. 80.

"sovereignty" occurs in the treaty, we must understand it as *sovereignty*, and not *jagheer*—red must not be called brown or grey—because Lord Hastings had authorized Mr. Elphinstone to establish the Raja of Sattara in a jagheer *or* sovereignty. For the sake of argument, however, we can afford to grant all that Mr. Mangles advances. I shall admit for a moment that the conditions contained in the succeeding clauses of the treaty were intended to be limitations and restrictions on the Maharaja's free action and political authority. Now, it is a universally admitted rule of law and logic that the express mention of one thing excludes another opposed to it ("Expressio unius est exclusio alterius"—"The express mention of one thing implies the exclusion of another"). Following this maxim, it is quite clear that, except in the cases in which his power and authority were expressly placed under limitation and restriction, he was in all other respects a free agent and independent monarch. Now, the comprehensive term "heirs" in the first article of the treaty is nowhere restricted in sense in the subsequent articles of it. The Maharaja's power of adopting an heir to succeed to the throne after him was not even suggested, and was nowhere restricted in the treaty, much less was he required by the treaty to obtain sanction to render valid any adoption he might make. It, therefore, incontestably follows that, the articles of the treaty, the Maharaja's right and power of adoption ere never intended to be interfered with in the slightest degree, and, erefore, the non-recognition of our act of adoption was in itself a atuitous violation of a well-considered solemn document.

d. Mr. Mangles apparently tries to make a distinction between the treaties of 1819 and 1839, simply because, as he chooses to imagine, the "animus" of the British Government was different in 1839 from that in 1819. Now, any one who reads the treaty of 1839 perceives at once that the fundamental articles of the treaty of 1819 have been altogether and unconditionally confirmed, with special exception as to certain exchange of districts and control over certain jagheers. If the British Government was then actuated by a different "animus," why were then the articles of the first treaty not changed or altered accordingly? According to Mr. Mangles himself, nothing was said in the treaty of 1819 on the subject of adoption, "for the obvious reason that the Raja (Pertaub Singh) was a young man about twenty years of age with two younger brothers; and it could not have been expected in 1819 that all the three brothers would die without leaving a son. But," continues Mr. Mangles, "in 1839 the state of things was very different. The Raja, who had been 'set up' in

1819, had been deposed for the (alleged) breach of the engagements under which the sovereignty was conferred upon him ; and only one of his brothers survived, and, he childless, at an age verging upon forty. The question, therefore, of succession by adoption, naturally forced itself upon the consideration of the Government of Bombay." * * * And here let me interrupt Mr. Mangles by pointing out another question which naturally forces itself upon the attention of every impartial reader of these papers. Why was not the subject of adoption, which, as Mr. Mangles remarks, was unmistakeably so pre-eminent, touched upon in the renewed treaty? Why was not the right to adopt expressly barred so as to exclude succession, if the British Government were so minded at the time of the renewal in 1839 ? It is vain for Mr. Mangles to quote, for the purpose of varying and modifying the terms of a solemn instrument, an opinion expressed by one of the negotiators, and recorded only in his private portfolio, of which, moreover, the Raja had not the slightest knowledge. Why did not Sir J. Carnac insert a condition in the treaty to that effect ? Did he wish to practise a fraud or political chicanery on the loyal and confiding Raja, my late husband ? Of course not.

E. The despatch of the Court of Directors bears date the 24th January 1849, and is copied *in extenso* in para. 61 of this Memorial.

a. The despatch, decreed by thirteen of the Court of Directors f the annexation of our *raj*, was confessedly based on the adverse Minut by the Bombay Members of Council, Messrs. Reid and Willoughby, a by the Governor-General, Lord Dalhousie. The Directors adduced n argument whatever in support of that arbitrary and destructive measure And how could they ? Being professedly members of a trading corporation, and thinking only of their revenues, those who agreed to that despatch affected to be profoundly ignorant of India and its people, its Princes and their rights, its immemorial customs and usages. Hence they greedily embraced the opportunity of aggrandizement afforded by the demise of the late Raja, my husband, Appa Saheb Maharaj. But their feat of annexation, brief as it was, abounded with fallacies, some of which I beg leave once more to refute.

b. In their 5th para., these politicians of Leadenhall Street say that the subject of the Sattara succession "has been maturely considered first by two successive Governments of Bombay." Yet this assertion about mature consideration does not accord with Lord Falkland's own avowal. His Lordship, in his Minute, explicitly acknowledges his ignorance and

want of experience of Indian politics, confessing himself unable to give an independent opinion. And it must be remembered that Viscount Falkland, who assumed charge of the Bombay Government after the question of our act of adoption had been determined by the Government of Sir George Clerk—who was entirely and earnestly on our side—and Lord Falkland was not called upon to pronounce an opinion on that question especially as his Lordship was then a novice in Indian affairs.

c. In the 8th para. those thirteen members of the Court express the result of their "deliberation" which is that "by the general law and custom of India, a dependent principality, like that of Sattara, cannot pass to an adopted heir without the consent of the paramount power;" I can afford to pass over the ignorance of those honourable members regarding the laws and customs of our country; but it was utterly inexcusable in them to describe our sovereignty as a dependent principality. Not to allude to the testimony of those great statesmen the Marquis of Hastings and the Hon'ble M. Elphinstone, who were the persons concerned in the restoration of our Raj, and who in their correspondence speak of it as an "independent sovereignty," the very Minute of Earl Dalhousie which the Directors used as a guide in framing their Despatch admits the dependence of our sovereignty in more than one passage of his laboured ecial pleading against us. Thus, is the 30th para. of the Minute: he ites—"Such is the general principle, that, in my humble opinion, ought o guide the conduct of the British Government in its disposal of *indepen-lent* states, where there has been total failure of all heirs whatsoever, r where permission is asked to continue, by adoption, a succession which fails in the natural line." Again in para. 32:—

"The territories (of Sattara) lie in the very heart of our own posses-"sions. They are interposed between the two principal military stations "in the presidency of Bombay; and are at least calculated, in the hands "of an *independent* sovereign, to form an obstacle to safe communication "and combined military movement."

Next with regard to the assumption by those Leadenhall street gentlemen as to the paramount power of their Company, I ask where are the proofs of it! Is there any trace of their paramount power in the treaty concluded with us? Not in the least. Was it to be found in the Company's Arms or seal? Oh, no: nothing of the kind. The motto of those Arms was "The United Company of Merchants of England trading to the East Indies." Was it engraved on the State seal used by the executive head in

India, the Governor-General? By no means! The seal which ratified the treaty of 1819, made with us by the Company styles His Excellency "the slave or servant of Mahommed Akber Shah." The following is the literal translation of the impression on that Seal. "The Slave or Servant (*fidwi*) "of Mahommed Akbar Shah, the Emperor, defender of the faith, the "essence of the garden of fragrance, exalted in dignity, Privy Coun- "cillor of His Excellent Majesty the King of England, whose Court is "raised high as the planet Saturn, the most noble of the nobles, the "Marquis of Hastings, Governor-General in the year (of Christ) 1817, "Administrator (*Nazim*) of the Territories confided to the Govern- "ment of the Honourable English East India Company in India in the "year of the Hegira 1232—A. D. 1817." It will to any competent jurist be at once apparent from the contents of the Company's seal that, far from holding themselves forth as a paramount power in India, they were the servants and agents of the Emperors of Delhi. And be it known and remembered that they held this character when entering into a solemn Treaty with us. What becomes then of the lofty pretensions set up by the thirteen in favour of the Company? Do they not vanish into thin air? If it be argued that the Hon'ble Company in succeeding to the Emperors of Delhi, succeeded also to their rights and prerogatives I answer that the Maratha kingdom founded by Sevajee Maharaja was an independent sovereignty and the Mouguls never exercised any right or prerogative over it (see Grant Duff's *History of Marathas* vol. I. Bombay editio

Here is brought to a close the arduous and unpleasant task of comm ing on the adverse Minutes, speeches, and papers amidst which our so eignty was extinguished. This task has been undertaken by me simp in vindication and support of my own cause and that of our ancient House; and if in examining the arguments set forth therein, my pen may have expressed strong language, it has been by necessity or in the earnestness of upholding a great and just cause, therefore, I crave your Majesty's gracious pardon for this. For a fuller refutation of the mischievous propagandism of Lord Dalhousie I also beg to refer once more to the persuasive and searching Minute of Sir George Clerk, and the masterly state papers called "dissents" of such distinguished and disinterested members of the Court as Henry St. George Tucker Esqr., Captain John Shepherd, Major James Oliphant, Hon'ble W. H. Leslie Melville, and Major General James Caulfield C. B., which are cited at length in para. 69.

80. That our sovereignty was retained to us was neither because of favour nor as a gift granted. It was induced by political expediency; for by retaining our sovereignty, the territory acquired by the East India Company was restored to peace and order. How expedient was the preservation of the Sattara sovereignty at that time may be seen from the following :—

a. After the overthrow of the Peshva's power, the country was in danger of being disturbed by the partizans and followers of Bajirao who had lost their importance and means of subsistence. In order to remove the fear of any disturbance the Hon'ble Mr. Elphinstone recommended in 1818, the continuance of the sovereignty of Sattara in a letter to Lord Hastings (published in the *Parliamentary Papers, Sattara Raj,* Vol. I., p. 497.) The following passage from it is in point.

(*Extract No.* 210.)

Next to maintaining such a force as shall prevent all thoughts of rebellion, the best means of securing the tranquility of the conquered country, is to conciliate the people, the Maharattas, *by setting up the Rajah of Sattara.*

b. A letter written by Sir Thomas Munro, on the 29th March, 1818, [redacted] Mr. Elphinstone, has been published in the Life of Munro Vol. III. [redacted] 237, in which he manifests his sincere and earnest desire for the con[redacted]uance of our sovereignty and points out the political advantages [redacted]at would accrue to the British Government in case of its continuance, [redacted]by the prevalence of peace and order in the Deccan, adding that it would be far more politic only to preserve the sovereignty of Sattara and save the heavy expenses of keeping a large army than to maintain a large army at heavy expenses for protecting the territory captured from the Peshva; thereby proclaiming the great weight and significance of the authority of the sovereign of Sattara. This interesting letter is as follows :—

(*Extract No.* 211.)

I am anxious to hear that the ceremony of placing the Rajah of Sattara on the Musnud has been performed, because it would probably hasten the termination of hostilities and the settlement of the country. The limits of his principality might be left undefined for the present. He should be required to summon Bajee Rao (the Peishwah) and his principal Chiefs to his presence, and in case of their not obeying, to proclaim Bajee Rao and all who adhered to him, rebels. Though the natives would understand per-

fectly well the relation between the Rajah and the British Government, and the motives which dictated this proclamation, this would not prevent it from having the desired effect. The Chiefs who have left Bajee Rao, as well as some of those who still follow him have, in their communications with us, always brought forward the disgrace they would sustain from the charge of rebellion and ingratitude were they to abandon him, and have often called upon us to point out how their character might be saved from such a reproach. The orders of the Rajah of Sattara will, I have no doubt, be received both by the chiefs who have already deserted Bajee Rao, and by those who wish to leave him, as a full justification of their conduct, and these orders will also, I think, have a considerable effect in intimidating even those few chiefs who are really attached to Bajee Rao, and in inducing them to forsake his standard; and it might likewise be advisable to send them to the Killadars of all sorts, commanding them to surrender.

c. The following are remarks by Mr. John Sullivan, in a letter to Sir John Hobhouse, Bart., dated the 4th August, 1848, on the expediency of continuing the Sattara sovereignty to our family and the political advantages accruing therefrom to the British Government:—

(*Extract No.* 212.)

Here it is proved, beyond the possibility of controversy, that so far from having been actuated by motives of *pure generosity* in upholding the Rajah, as has been so often and so strongly asserted, we were influenced by motives *purely political*; that he was considered at the time an important political card (just as the Rajah of Travancore [illegible] in 1818) upon the skilful playing of which depended the success of the arrangemen[illegible] which we were then anxious to make; that it was through the restoration of the Ra[illegible] to a portion of the dominions of his ancestors, that we hoped to arrest the war that [illegible] then in progress, and to conciliate the Mahratta people to the change which was ab[illegible] to be made in their position.

d. Although the late Earl of Dalhousie recommended to the Court of Directors in his Minute of 30th August, 1848, the annexation of our principality purely from a grasping and unjust policy, he admitted (in the 18th and 21st sections of it) the importance of restoring our sovereignty as will be seen from the following extract:—

(*Extract No.* 213.)

18. However wise the policy may have been which led to the creation of the State of Sattara in 1819, and however strong the reasons which induced the Government at that period to establish anew a Mahratta State on that side of India, I venture to think that the same reasons do not exist for its continuance now. * * * *

21. While, therefore, I do not presume to dispute the wisdom of creating the Raj of Sattara in 1819, I conceive that the same reasons do not prevail for its reconstitution now, when it is again placed by events at our disposal.

e. In his Minute against the annexation of the Sattara territory Mr. St. George Tucker in the 5th section of it observes :—

(*Extract No.* 214.)

5. Sir John Malcolm gave a very decided opinion at a subsequent period in favour of this policy, as noticed in one of the Bombay Minutes; and I may add, that it received the sanction and approbation of the Marquis of Hastings, then Governor-General of India. Mr. Elphinstone thus briefly describes his views in his letter to the Governor-General, of the 18th June, 1818:—

"Next, to maintain such a force as shall prevent all thoughts of rebellion, the best means of securing the tranquillity of the conquered country is, to conciliate the people, the Mahrattas, by setting up the Rajah of Sattara, and by liberality to the Jageerdars and Brahmins, by keeping up their pensions and religious institutions; by finding employment for the civil and military servants of the former princes; and by just and good government. It is, however, to be remembered, that even just Government will not be a blessing, if at variance with the habits and character of the nation."

f. General Caulfield, a Director, whose opinion against the annexation of Sattara has been published in the "*Parliamentary Papers, Sattara Raj*, at page 142, has the following :—

(*Extract No.* 215.)

Mr. Willoughby, in the 9th paragraph of his Minute, divides the question at issue into two parts: first, "Whether the Sattara Rajah had an inherent right to adopt a son, and to convey to him the right of succession;" second, "Whether it is incumbent on the [illegible]tish Government to grant that right, presuming that he did not possess it," he then [illegible]clares his opinion to be, "that he did not possess it, and that it was not expedient [illegible] invest him with it," and assumes that it was a spontaneous act of liberality [illegible]the part of the British Government that placed him on the musnud. Now it is ma[illegible]est, from the report of the Honourable Mountstuart Elphinstone to the Supreme Go[illegible]rnment, that it was expediency alone that induced the British Government to invest [illegible]he Rajah of Sattara with sovereign rights. He was proclaimed the head of the Mahratta empire, to withdraw the allegiance of the army and people from the Peishwa, and thereby enable the British Government to bring an expensive war to a speedy conclusion.

81. I beg now to annex the remarks of certain British statesmen to the effect that by retaining the sovereignty of Sattara and not interfering with its independence the East India Company was altogather benefited.

a. Sir John Malcolm in his Minute, while the Governor of Bombay, remarks as follows :—

(*Extract No.* 216.)

The mere loss of revenue that has attended the establishment of the Principality of Sattara, is compensated *ten-fold*, by the reputation we derive from the act, and by the scope we have afforded to the exercise of talent, and the attainment of rank and consideration to a large and prosperous population.

b. The Honourable Mr. St. George Tucker in his Minute against the annexation of Sattara, dated the 10th January, 1849, remarks as follows in the 4th section of it :—

(*Extract No.* 217.)

4. True it is that the grant of the principality of Sattara to the descendants of Sivaji in 1819, was perfectly gratuitous on our part; but we are not now at liberty to recall the gift. Mr. M. Elphinstone, a statesman of the first order, proposed this disposition in favour of the family of the founder of the Mahratta empire, partly with a view to conciliate the people who had recently been subjected to our sway, and partly to establish a counterpoise to the influence of the Peishwa and his family, who had become the ruling power in the State. This policy was generally approved at the time; and the peace and good order which have since been maintained in the territory acquired from the Mahrattas may fairly be ascribed, in a grat measure, to the wise and liberal principles which governed our Councils on that occasion.

c. The following are the remarks of Sir Thomas Munro, in a letter to Lord Wellesley, pointing out political advantages to the British Government from the continuance of the sovereignty of Sattara and contrasting these with considerations which prompted the restoration of Mysore from which, as he then argued, little or no benefit could accrue to the Company :—

(*Extract No.* 218.)

No political advantage can be gained by dragging the Rajah of Mysore from o curity, and placing him on the musnud, unless we suppose it to be one, to divide onl part of the country, in order that we may, by excluding the Nizam, extend our o influence over the rest * * * The military power of Mysore is broken, and the remn of it, together with the inhabitants of the country, have neither the means, nor, in gene the wish, to see the family of the late Sultan established in the Government of a part of his dominions.

d. Again Sir Thomas Munro, in his letter to the Honourable Mr. Elphinstone, dated the 19th March, 1818, thus remarks :—

(*Extract No.* 219.)

5. I am anxious to hear that the ceremony of placing the Rajah of Sattara on the musnud has been performed, because it would probably hasten the termination of hostilities, and the settlement of the country. He should be required to summon Bajee Rao (the Peishwa) and his principal chiefs to his presence, and in case of their not obeying, to proclaim Bajee Rao, and all who adhered to him, rebels.

The orders of the Rajah of Sattara will, I have no doubt, be received both by the chiefs who have already deserted, and by those who wished to leave him, as a full justification of their conduct; and those orders will, I think, have a considerable effect in intimidating even those few chiefs who are really attached to Bajee Rao, and in inducing them to forsake his standard; and it might likewise be advisable to send them to the Kelladars of all forts, commanding them to surrender.

82. Not only did several eminent British statesmen advocate the retention of the sovereignty of Sattara, but some recommended a larger territory being made over to it than was allowed in 1819.

a. The Honourable Mr. Elphinstone, in his Minute to the Governor General of India, dated the 18th June, 1818, (published in the *Parliamentary Papers, Sattara Raj,* p. 52) gives the opinion of Sir Thomas Munro that the sovereignty of Sattara should be equal in extent to the principality of Mysore.

(*Extract No.* 220.)

Your Excellency will have observed from Brigadier General Munro's letter, the opinion of that experienced officer, that a State like that of Mysore shall be formed for the Rajah; and although, I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro, on the importance of leaving for parts of the Peishwa's subjects a government which could afford them service in their own way.

83. The Court of Directors, of the Hon'ble East India Company, resolved on the 6th of January, 1849, that our sovereignty not being an independent one, we should adopt only with the consent of the Hon'ble East India Company, but such consent not being asked before the adoption was made, and the Company not being bound by [redacted]e terms of the treaty, either express or implied, to give such consent, [redacted]ur state could not be continued to us or our adopted heir and that [redacted]herefore it should be annexed. The Court of Directors having passed [redacted]uch a resolution, wrote a letter to that effect to the Government of [redacted]ndia and our sovereignty was accordingly seized. Therefore, in appeal and protest we would request your kind attention to the opinions of Lord Hastings, the Governor General of India; the Hon'ble Mountstuart Elphinstone, the Hon'ble Sir Thomas Munro, Captain Grant Duff, the Hon'ble St. George Tucker, the Hon'ble John Shepherd, Major Oliphant, the Hon'ble Mr. Melville, General Caulfield, Colonel Sykes, Sir Henry Willock, Sir Robert Campbell, the Right Hon'ble Lord Dalhousie, Governor-General of India, the Hon'ble Sir George Clerk, the Hon'ble Sir James Rivet Carnac, Baronet, Governor of Bombay and other eminent statesmen of the Hon'ble East India Company itself, as to the independence of our state. The following is a sufficient authority to prove the independence of our sovereignty.

a. When in the year A. D. 1818, the Honourable East India Company waged war with Bajee Rao Raghunath Mukhya Pradhan

(Prime Minister) and there was confusion all throughout India in consequence, and when the Honourable Company found itself in great straits on that account, the Honourable Mountstuart Elphinstone, with the sanction of the statesmen whom the Hon'ble Court of Directors had appointed to manage the British Territories in this country, issued a proclamation in the Deccan on the 11 th of February, A. D. 1818, in order that all our Sirdars (chieftains) Mankaries (persons entitled to certain honours at courts) Mutsadies (statesmen) and Padadhikaries (officers) as well as all our subjects should give up the side of Bajee Rao and their minds be favourably disposed towards the interests of the Company. That all might know and be convinced, the Hon'ble Company made a promise amounting to an assurance to preserve the Mahratta national independence by the establishment of our separate sovereignty with the view that the Hon'ble Company's permanent interests should be forwarded. In this proclamation it is stated that an independent state would be continued to us and that of such an extent as will enable us to maintain ourselves and our family in comfort and dignity. This proclamation will be found in *Parliamentary Sattara Papers*, at Page 1153, and I here give an extract from it :—

(*Extract No.* 221.)

" The Rajah of Sattara, who is now a prisoner in Bajee Rao's hands, will be [redacted] leased, and placed at the head of an independent Sovereignty of such an extent as m[redacted] maintain the Rajah and his family in comfort and dignity. "

b. When the adherents and vassals of our family deserted t[redacted] cause of the Mukhi-Pradhan (Peishwa) because of their perfect re[redacted] liance on the words pledged in the proclamation issued by the Hon'ble East India Company that the independence of our family would be preserved, and a separate sovereignty on the tenure of perpetuity would be continued to us, the Hon'ble Mountstuart Elphinstone sent a despatch on the 18th of June, 1818, to Lord Hastings, the Governor General of India. In paras. 6 and 8 of this letter Mr. Mountstuart Elphinstone writes as follows :—

(*Extract No.* 222.)

6. The first demand on this revenue is a provision for the Rajah of Sattara. Your Excellency's instructions left me the choice of giving him a Jagheer or a small sovereignty ; and I was inclined to adopt the latter plan for various reasons. At the time when I had to decide, the Mahrattas shewed no disposition whatever to quit the Peishwa's standard, and it appeared not improbable that the dread of the complete extinction of their national independence, and still more, that of the entire loss of their

means of subsistence, from the want of a Government likely to employ them, would induce them to adhere to Bajee Rao, with an obstinacy that could never have been produced by affection for his person or interest in his cause. It, therefore, seemed expedient to remove those grounds of alarm by the establishment of a separate Government. Your Excellency will have observed from Brigadier-General Munro's letter, the opinion of that experienced officer that a state like that of Mysore shall be formed for the Rajah; and although I did not think myself at liberty to act on this plan to its full extent, I was deeply impressed with the same arguments that had occurred to General Munro, on the importance of leaving for part of the Peishwa's subjects a Government which could afford them service in their own way, some part of the revenue must necessarily have been sacrificed to the maintenance of these classes, and by adding a portion of the revenue so sacrificed to that designed for the support of the Rajah, I expected to keep many in employment, and more in hopes, that would otherwise have remained disaffected, and ready to join in every scheme for disturbing the Government, or laying waste the country.

The above letter will be found at page 52 Volume II. of the printed *Sattara Papers*. From this document your Majesty will be fully convinced of the political necessity which had arisen for the continuance of that independent power in our family which we had enjoyed for a long period, and will also perceive the great emergency which induced the statesmen of that time to continue to us the State of Sattara, as a measure intended and wisely adapted to consolidate the Company's power in India and to protect their acquisitions therein.

c. Giving full consideration to the importance and object of the opinion expressed by the Hon'ble Mr. Elphinstone, Lord Hastings, the Governor-General of India, in a letter dated 26th September, 1818, sanctioned the measure. (This letter will be found at page 54, Book II. of the printed *Sattara Papers*.)

(*Extract No.* 223.)

8. The Rajah is young and totally inexperienced and the people about him are those who shared his misfortunes, and are as ignorant as himself, without being as intelligent or as well disposed. The Government ought, however, to be emancipated as soon as circumstances will admit of it, and to be placed on the same footing of independence as our other allies.

In this letter sanction is accorded in every way to the maintenance, and guarding of our independence and settlement of the boundaries of our State. The following occurs in clauses 9 and 28 of that communication:—

(*Extract No.* 224.)

9. The Governor-General has already signified to you his entire assent to the force of those considerations which induced you to extend the original objects of the establishment of the Rajah of Sattara in an independent sovereignty, and the consequent enlargement of the territory to be conferred on that Prince. The limits of the

territory to be thus appropriated, as described in your instructions to Captain Grant of the 8th of April, and in the despatch now acknowledged, are perfectly approved. The testimony now borne by you of the good conduct of the Rajah since the formation of the connection with the British Government, naturally confirms this view of the question, and will induce His Lordship in Council to approve of the extension of his territory to the widest limits you have proposed, and to place under his authority those of the Jagheerdars whose possessions fall within those general limits, with the exception of the Putwardhuns. The particular case of Solapoor will perhaps require to be separately considered, and must depend, in a good measure, on the interchanges of territory to be effected with the Nizam, to which reference will be made in a subsequent part of this despatch. It will be proper to make some provision for the security of these Jagheerdars, and your attention is, very probably, directed to that object. * * *

(*Extract No.* 225.)

The annexation to our territory of the lands of Rastia and Gokla between the Neera and the Kishna, though it would increase our direct revenue would proportionably circumscribe that of the Rajah of Sattara, whom it is a great object to maintain in dignity and ease.

d. After the overthrow of the Peishwas the Hon'ble Mountstuart Elphinstone submitted a report to the Government of India regarding the affairs of the Mahratta empire. This celebrated report was published at Calcutta in the year 1821. In it a full description is given of the independent powers in southern India, and Mr. Elphinstone has stated threin that the only independent powers were those of ourselves and that of our family branch at Kolapore. The rest of the States su as the Scindia, the Holkar, the Rajah of Bedar, the Gaickwar a others, writes that statesman, were our political dependents a vassals, being on a lower scale of historic importance. Now wh doubt is left regarding our indepedence? The portion just referre to will be found at page 8 of the above mentioned report. The Government of Bombay printed this report in the year 1838 :—

(*Extract No.* 226.)

The whole of the territory above described, does not belong to the British Government ; and what does belong to it, is not all under our immediate administration. The other possessors of independent territory are the Rajah of Sattara, the Rajah of Colapore; and, on a smaller scale, the Nizam, Scindia, Holkar, the Rajah of Berar and the Guickwar. The lands held by dependent chiefs belong to Angria, the Punt Suchem, the Prittee Nedhee, the Putwardhuns, and other Jageerdars.

e. A notion is prevalent that the Hon'ble East India Company as the successors of the Peishwas obtained supreme authority over the Sattara State. But to show how very erroneous is this argument I beg to say that the Peishwas, the Scindia, the Holkar, the Gaickwar, and other courtiers, chiefs, and officers being our servants and dependents were appointed by us and we confirmed them in their offices.

And as our family was at the head of the Mahratta Empire they were proud and desirous to receive from our ancestors investiture of their offices. Also, if the selfish plea, that the Hon'ble East India Company had a sovereign power over our State, be true, then it is for your present advisers to consider why should Sir Thomas Munro, one of those statesmen, by whom or with whose consent the treaty was concluded with us, express a desire that the investiture of the office of Peishwa should be received from us ? This account will be found at page 247, Volume III. of the life of Sir Thomas Munro. That view is stated in a letter addressed by Mr. Sullivan to the Right Hon'ble Sir John Hobhouse, dated 15th April, 1850. It is as follows:—

(*Extract No.* 227.)

To talk, therefore, of any rights of sovereignty over the Rajah of Sattara, acquired by the British Government, as Successors of the Peishwas is really preposterous—particularly when we know—that in order to reconcile the Mahratta people to the downfall of the Peishwa, Bajee Rao, it was actually proposed by the late Sir Thomas Munro in 1818, that the British Government should receive investiture of the office of Peishwa *according to custom* from the Rajah of Sattara.

f. Although the Chiefs of Orcha, Kotah, Dattya and others openly acknowledged the supremacy of the East India Company in the treaties these chiefs entered into with the British Government and agreed to give tributes, still the Company's officers decided on several occasions that those chiefs had a full authority to adopt heirs to their personal and sovereign rights. Our treaties of 1819 and 1839 with the Hon'ble East India Company are on a footing of equality. As a rule, when two powers of equal rank and dignity contract treaties between them conclude and sign the instruments, each plenipotentiary writes the name of his sovereign first and puts his own signature in the copy of the treaty which he keeps for his sovereign's use. Such is the rule laid down by writers on international law, and it will be found in the cyclopedias under the head of "diplomacies." It is for your Councillors to see whether our treaty stands in accordance with this rule, and if those whose treaties are not on the footing of equality with the Hon'ble Company were considered by it as independent, and were allowed to adopt heirs to their principalities. The writers on international law have laid down the following rule :—

(*Extract No.* 228.)

" When the ministers of two powers, which are *of equal rank*, sign a treaty, it is usual to make two originals, or a double instrument ; each nominates his own sovereign first in the copy which he keeps, and signs first, in order that there may be no prejudice to their claims of rank when this is contested. "

Your Majesty will easily see that such distinction appears in our treaty: the 11th paragraph of which runs thus:—

(*Extract No.* 229.)

This treaty, consisting of eleven articles, being this day settled and concluded at Sattara, by Captain James Grant and Wittul Punt Firnawees, Captain Grant has delivered to His Highness, Maharaja Pertaup Shean, a copy of the same in English, Mahratta, and Persian, under the seal and signature of the said Captain James Grant; and His Highness Maharaja Pertaup Sean has delivered to the said Captain James Grant a copy also in English, Mahratta, and Persian bearing His Highnesse's seal and signature and the aforesaid Captain James Grant has engaged to procure and deliver to His Highness, without delay, a copy of the same, duly ratified by his Excellency the most Noble Francis Marquis of Hastings, K. G., one of his Britannic Majesty's most Honourable Privy Council, Governor-General in Council, appointed by the Honourable Company to direct and control all their affairs in the East Indies, Commander-in-Chief of his Majesty's and the Honourable Company's forces, &c. on the receipt of which by his said Highness, this said treaty shall be deemed complete and binding on the Honourable East India Company and on His Highness the Rajah Pertaup Shean, and the copy now delivered to his said Highness shall be now returned. Ratified by the Governor-General in Council, this 27th day of November, 1819.

g. When in the year 1838, a committee was appointed to inquire into the allegations brought against Shrimant Pratap Shean Maharaj Chhatrapati, Sir James Carnac, the Governor of Bombay, gave his opinion in the matter of bringing the Maharaja before the committee—that to remove an independent sovereign from his residence and to bring him before the committee for trial would give a shock to his feelings and dignity, and for that Government to suppose that it had a supremacy over his sovereignty when it had not, was unjust and that the British Government would be blamed for it by the people. These remarks will be found in the *Parliamentary Papers* at page 272-4 and are as follows:—

(*Extract No.* 230.)

"We should be accused (says Sir James Carnac, when speaking of the proposal to subject the Rajah to a trial by a Commission formed of Company's servants), of degrading a Sovereign from his acknowledged rank, and offering violence to his feelings and dignity, and of assuming a *right of superiority to which we have no claim.* In fact, I know of no mode by which one *State* can arraign for trial the *Sovereign* of another State."

h. On the 24th January, 1849, the Court of Directors passed a resolution annexing our State. In this resolution they say that,—

(*Extract No.* 231.)

That by the general law and custom of India, a dependent principality, like that of Sattara, cannot pass to an adopted heir without the consent of the paramount power:

Thus, in contrast with what has gone before it will be seen that the statement which the Honourable Company makes of its absolute supremacy over our state is altogether mistaken and illfounded. For your Majesty will come to know the position of us both in respect of rank if you direct your attention to the expressions regarding the rank and dignity of the East India Company and ourselves contained in the treaty concluded between us and the Company. They are as follows:—

(*Extract No.* 232.)

A TREATY for strengthening, holding firm, and cementing friendship between the prosperous and valiant English Government (meaning more properly the East India Company's local Government), which is thus assured in its mind that the illustrious house of His Highness Shreemun Maharaj, Raja Pretap Shean Chhatraputtee, of Sattara is of high antiquity; therefore, for and on account of the dignity and grandeur of His Highness and His Highness's house and family, some kingdom or sovereignty (Raj) is to be given to His Highness. On this (subject) the valiant Captain James Grant, Agent on part of the valiant English Government, and Veethul Balal, on part of the State or Government of His Highness Maharaj Chhatraputtee, both these (parties) have established this Treaty which is written down in these Articles following.

In the preamble of the Treaty of 1819, Captain James Grant, as before observed, is named the Agent on the part of the Company's Government, and Vittal Balal on the part of Shreemun Maharaj Pretap Sing, *Chhatraputtee*, that is Lord of the Canopy of imperial dignity, meaning the King of Sattara. The wording of the Treaty literally is, "a Treaty for strengthening, holding firm, and cementing friendship between the prosperous and valiant English Government," &c. &c. Not the slightest mention is made of the Company's Government being the paramount power. Again, the second Treaty of 1839, made with Appa Shaib, the late Rajah (my husband), is thus worded: "Treaty between the Honourable East India Company, and His Highness Shreemun Maharaj Shahji Raja Chhatraputtee of Sattara, concluded at Sattara on the 4th of September, 1839, by Lieut. Colonel Ovans, Resident at Sattara, on the part of the Honourable East India Company, by Eshwunt Rao Trimbak, on the part of Shahjee Raja Chhatraputtee, by *virtue of full powers from their respective Governments.*" Is there any allusion here we ask, to a paramount power? The agents are herein said to have full powers from their respective Governments to act for them.

i. It may not seem proper to inform your Majesty that we are or were superior to the Honourable East India Company but I say only this much that we are or were the Company's political *equals*. To

prove this, I now refer to the seals impressed upon our treaty of 1819, from which some insight may be obtained of the style, titles, rank, and dignity of the contracting parties. In the Company's arms we read the following motto : "The United Company of Merchants of England trading to the East Indies." Is there any mention of a "Lord Paramount" here? Far from such being the case, the Company are here styled as merchants trafficking to the East, instead of imperial rulers. Such is their rank according to the laws of England.

On the other hand the inscription in Sanscrit on the large State Seal of the sovereigns of Sattara is, "By the favour of Gowrie and Ishwer (God), the Seal of His Majesty Pretap Singh, the son of Shahoo Raja, obeyed by all, or commanding all." The inscription in Sanscrit on the smaller Seal is, "Let all be done according to these orders." Now what do these Seals prove? Why, that the sovereings of Sattara were acknowledged by the Company themselves to be of regal dignity, whilst *their* Arms and Seals declare them to be only subjects of another king, and simple merchants.

j. I will now refer to the seal of the Marquis of Hastings, who ratified and signed the Treaty of 1819, when Governor General of India. Far from arrogating to himself or to his Government the title of Lord Paramount, his Lordship styles himself "the slave, or servant, of Mahomed Akbar Shah." This expression, be it remembered, is impressed upon this very treaty. The following is the literal translation of the Marquis of Hastings' Seal.

(*Extract No.* 233.)

The Slave, or servant (fidwi), of Mahamed Akbor Shah, the Emperor, defender of the faith, the essence of the garden of fragrance, exalted in dignity, Privy Councillor of his Excellent Majesty the King of England, whose Court is raised high as the planet Saturn, the most noble of the nobles the Marquis of Hastings, Governor General in the year (of Christ) 1817, Administrator (Nazim) of the territories confided to the Government of the Honourable English East India Company, Commander-in-Chief of the armies of the Company in India, in the year of the Hizree 1232—A. D. 1817.

What then becomes of the assumption by the Company of their Government being in 1818 or 1839 the "paramount power?" In the Company's Arms as we have seen, they declare themselves merchants, that is, subjects of a distant potentate. In the Governor General's Seal, he is designated the servant of the Delhi Emperor. In the third (the Raja's), the latter is named as his Majesty (Budhra) Pretap Singh, the son of a sovereign, Shahu Maharaja,

k. The Honourable Sir George Clerk writes that during the last century and until the overthrow of Bajeerao Raghunaht we were entirely independent of any paramount power and there was no necessity for us to obtain consent of any one to adopt. The words of Sir George Clerk are as follows:—

(*Extract No.* 234.)

"During the last century" says Sir George Clerk, "and until the usurpation of the Peishwas (during the whole period of their usurpation, as I have before shown), the Sattara Rajas were in a position so entirely independent of a paramount power as to adopt, and so to devolve the inheritance of their Kingdom without the f ormality of any superior sanction."

From the report or Minute of this eminent statesman (Sir George Clerk) your Majesty will be fully convinced of the independence of our family and its full freedom to adopt heirs to our sovereignty.

l. The Honourable Major Oliphant, after great research gave his opinion regarding the independence of our State. This will be found in *Parliamentary Papers* at page 135. It is as given below :—

(*Extract No.* 235.)

"After a most careful examination" he says "of all the documents bearing on the subject, I am satisfied that Sattara was not a dependent principality."

After the conclusion of the Mahratta war, the Honourable East [redacted]ia Company thought fit for good reasons, already set forth, to conti- to us a small,territory of our former Empire; and that territory was [redacted]nted in an independent sovereignty of such an extent as to enable us [redacted]h our "Furzund, Waris, Kaim-mookam" to enjoy it for ever in com-[redacted]rt and dignity. Does it appear from this that the Honourable East India Company could thus claim to be Lord Paramount? Had this been the intention of the Honourable East India Company they would never have declared through the proclamation that they would recognise our royal house *in an independent sovereignty.* Now those who say that we are or were not independent sovereigns must be altogether unacquainted with the circumstances of the case, or if they know anything their information must be considered as incorrect and mistaken. I can afford ample testimony to prove that the Honourable East India Company in their writings have acknowledged and recognised our family as an independent one. But the Court of Directors of the Honourable Company in 1848, utterly disregarded the promises and assurances of the eminent statesmen like Honourable Mr. Elphinstone, Sir Thomas Munro, Lord Hastings, Captain Grant and others; and the work of spoliation was executed. In 1839, Maharaja Pratap Sing was deposed,

and my husband ascended the musnud when the Governor of Bombay officially admitted, on the 9th day of June in that year, the perfect independence of my late husband in respect to his rights over the Sattara sovereignty. Does it look well on the part of the Court of Directors and Board of Control to declare our incompetency to adopt heirs to our sovereignty, whilst solemn pledges, to which their predecessors and contemporaries in India are entirely committed and which they themselves or their successors were bound to fulfil, were disregarded and treated with contempt?

m. Sir George Clerk, the Governor of Bombay, in the 6th paragraph of his Minute recognises my late husband as an independent sovereign.

Para. 6 runs thus :—

(*Extract* No. 236.)

The downfal of the Peishwas put an end to the empire of Sevajee, whose representative, the powerless pageant monarch of Sattara, was emancipated, and restored to the real sovereignty by the British Government, whose treaty with Sattara of the 25th September, 1819, is one of 'perpetual friedship and alliance between the Honourable the East India Company and His Highness, his heirs and successors'.

n. The Honourable Court of Directors having sanctioned the proposal made by the Earl of Dalhousie. annexed our sovereignty on the plea of its being a dependent State. But—as shown in Extract 213—the Earl of Dalhousie has himself acknowledged the independence of [redacted] State. These words of this statesman are extracted from his Min[redacted] of the 30th August, 1848, thus :—

(*Extract No.* 237.)

" The death of His Highness Shreemuut Rajà " says Lord Dalhousie, the *Sovereign* of Sattara, has rendered it necessary for the British Government to determine the important question, whether the State of Sattara shall be continued as an *independent State*, or whether it shall be held to have lapsed to the paramount State.

Here Lord Dalhousie himself openly admits the independence of our State as it was acknowledged and recognised by Lord Hastings, the Honourable Mr. Elphinstone, Sir Thomas Munro, Captain Grant Duff, and other great statesmen.

o. The Honourable St. George Tucker, in his Minute of the 1st of April, 1849, maintains the independence of our sovereignty. The views of this statesman will thus be found at page 1254 to 1257 of the *Parliamentary Papers.*

(*Extract No.* 238.)

It may be urged that the Raja of Sattara is not an independent prince, that he only held during good behaviour, a territory which we had spontaneously conferred upon

him, and that he was liable to be set aside and deprived of his principality whenever he infringed the strict letter of his engagement; but it is too late, I apprehend, to assume this high ground. Why did we contract a treaty with the Raja? Was this treaty a mere mockery? Why did we maintain a Resident at his Court? If he only held a fief on Jagheer, resumable upon proof of misconduct, the case might have been dealt with in our Courts of justice. But in truth, the elevation of the descendant of Seevajee to a station of high rank and dignity was as much an act of policy as of humanity; a policy intended to conciliate the Mahrattas, and to neutralize any remnant of influence which might still attach to the ex-Peishwa Bajee Rao, who had engaged in a treacherous confederation against us, and had levied open war upon the British power."

p. , Mr. St. George Tucker also writes in his Minute of the 10th of January, 1849, in favour of continuing our State to our adopted heir. He says that when Sattara was taken in 1818, the British flag was hoisted in the fort; but the Honourable Mr. Elphinstone ordered it to be hauled in and issued a proclamation to the effect that the independence of our family will be maintained in a separate sovereignty—

(*Extract No.* 239.)

The Government of Bombay seem indeed to anticipate that the principality may escheat at no distant period to our Government by the demise of Appa Sahib; but the principality is hereditary, and should the Raja leave no issue or natural heirs, he may adopt, and adoption with a Hindoo is not only a right but a duty. I have the highest authority for stating that, even in the case of a fief, or dependency, a legal adoption [redacted]ot be barred by the Government or Lord Paramount.

Even during the most flourishing period of the Mogul Empire, [redacted]en the Emperors of Delhi were acknowledged by the Mahomedan [redacted]otentates of India to be the Lords Paramount, they were not considered such by the Hindoo princes, more particularly by the houses of Udepore and Sattara. But it is assumed that the Government of India is the paramount power in reference to Sattara, that the East India Company are the successors of the Mogul Emperors. When was the power or dignity delegated to them? It is even doubtful whether the Emperor himself was considered as the Lord Paramount at the period the Company began to spread their conquests, namely, when a great part of India was in a very unsettled state as the consequence of the invasion of the country by the Persian conqueror, Nadir Shah. It is true the Company have had the good fortune to become possessors of a large portion of the territories which were once subject to the authority of the Emperors. These were acquired, not from the latter, but from the Subadars, or Governors of provinces, or others into whose hands they had fallen. Where then are the constitutional prerogatives, I ask, which can confer upon the Company the rights of Lords

Paramount? From the very nature and constitution of their body, it is quite impossible that they can ever become such. It has been said, that if they have any claim to succeed to such rights from the Emperor, they must have obtained them by a *sunnud,* or grant, from him, or by a formal treaty, or by some recognised mark of submission from other sovereigns, or by some species of homage paid to them from the subordinate princes of the country. If so, at what period, and where, did all this occur? If no proof can be afforded of any such privileges ever having been obtained by the Company, of any such submission made, or any such homage tendered to them, I must necessarily infer that this arrogation of a title, to which they have no right, is a mere assumption of a power they never possessed. It is resorted to by them in this instance to support a nefarious measure of spoliation, for which no other defence can be made.

q. Although Lord Falkland, the Governor of Bombay was obliged in 1848, to rely for information about the settlement of our claims and sovereign rights upon Messrs. Reid and Willoughby, still his Lordship has not hesitated to declare the independence of our sovereignty. Para. 2 of his Lordship's Minute is as follows :—

(*Extract No.* 240.)

"2. The Sattara sovereignty, in its present form, dates no further back than the year 1819, when the British Government, in the words of the preamble of Treaty, 'determined, in consideration of the antiquity of the house of His Highness Rajah of Sattara, to invest him with a sovereignty sufficient for the support of family in comfort and dignity,' and then, according to the first article of the treaty agreed 'to cede in perpetual sovereignty to the Rajah of Sattara, his heirs and successors,' certain districts which have since been designated the Sattara territory.

r. Now I lay before your Majesty the opinion on this point of Captain John Shepherd, one of the Directors of the Hon'ble Company. This opinion is expressed by that statesman in the 3rd and 5th paras. of his Minute of the 6th January, 1849, (*Parliamentary Papers, Page* 130.)

(*Extract No.* 241.)

"3. If corroboration of this assumption were necessary, it is amply furnished in the Minutes and letters of Mr. Elphinstone and Lord Hastings, written at the time when the policy of the treaty was thoroughly discussed, previously to its ratification. If the chief object of the treaty had been the necessary provision of a certain revenue for the Rajah's comfort, the alternative of conferring upon him a suitable jagheer would have been a more appropriate method of effecting it, but the great political objects in view, which are clearly pointed out in Mr. Elphinstone's letter to Lord Hastings of the 18th June, 1818, were most effectually accomplished by the treaty in question. That it was

a sovereignty in reality, and not merely in name, is also evident from the circumstance of the boundaries of the Rajah's territory, comprehending within their limits extensive possessions of several chiefs and jagheerdars, who are distinctly placed under the Rajah's sovereignty. These chiefs, six in number, paid no revenue to His Highness, and their possessions were guaranteed by the British Government, but in every other respect they were bound in allegiance to the Rajah of Sattara, as the paramount power, to which they were immediately subject; and moreover, the British Government, in article 7 of the treaty, guarantee to His Highness the due performance of such services of fealty on the part of these chiefs. It is scarcely necessary, with the view of elucidating this part of the subject, to refer to the proceedings which took place in the year 1827, on the occasion of the Punt Suchew's application to the Raja of Sattara for permission to adopt a son, on that occasion the Rajah of Sattara stipulated for certain terms, as the condition on which he was inclined to grant the indulgence. The Punt Suchew thought these terms too stringent, and appealed to the Bombay Government. Mr. Elphinstone, the original framer of the treaty of 1819, was Governor of that Presidency at the time, and his reply to the Punt Suchew's appeal was to the effect, that although he, the Punt, held his jagheer on certain specified terms under the guarantee of the British Government, yet that on the failure of heirs it rested with the Rajah of Sattara to sanction the Punt's proposed adoption on his, the Rajah's, own terms, and that the British Government had not a right to interfere, unless there be a direct breach of engagement. Similar proceedings with other chiefs, such as that of Akulkote, might be quoted in proof that the control exercised by the Rajah over these chiefs was *bonâ fide* that of a sovereign over fiefs and that the British Government fully admitted that under no circumstances, but a breach of the treaty of 1819, were they entitled to interfere in these internal arrangements of His Highness.

"5. In my opinion, our records distinctly show that the object and intentions of Mr. [redacted]hinstone and Lord Hastings in 1818 and 1819, were to create and establish a perma[redacted]t native sovereignty in the Mahratta country; that the wisdom and policy of the [redacted]sure were fully approved and confirmed by the Home authorities, and that, conse[redacted]ntly, we are bound in good faith not only to respect the terms of our own engage[redacted]nt but to act up fully to the spirit and intentions which animated these eminent [redacted]tatesmen. How different was the course pursued by the Court in 1838, to that which has now been resolved upon. In that year, when we had the claims of many of the Jagheerdars of the Deccan under our consideration, so desirous were we to act up to the full spirit of Mr. Elphinstone's intentions, that we applied to him direct on the subject; the result of which was the subsequent reversal of the decisions of the Bombay Government, and the restoration to their lawful owners of several jagheers, as per margin,* which had been erroneously resumed. In the course of that correspondence the Court distinctly state, 'that Mr. Elphinstone's settlements should be in every instance respected.'"

Even if no one had written or protested against the arbitrary annexation of our State as if it were a mere fief the opinion of this competent and experienced member of the Hon'ble Court of Directors would have been sufficient. From our treaties and from collateral information connected with our State it is evident that our sovereignty is hereditary and independent.

* Sheik Meerans; Shumshere Bahadur; Yeshwunt Rao Dhebaris.

s. Major Oliphant, one of the Directors, in his Minute of the 5th January, 1849, writes his opinion regarding the independence of our sovereignty. Paras. 17 and 18 of the Minute are as follows:—

(*Extract No.* 242.)

"17. The evidence of the Governor-General, Lord Hastings, and of Mr. Elphinstone, has already been adduced in proof that Sattara was intended by them to be an independent state; it remains now to controvert the assertion that collateral claims are inadmissible, which I maintain to be in opposition to the plain meaning of the treaty, and to the intentions of those who framed it.

"18. The principality was created not for the individual, Purtap Sing, but for the Rajah of Sattara. 'It was founded,' says Mr. Elphinstone, 'to afford an honourable maintenance to the representatives of the ancient princes of this country, to establish among the Mahrattas a counterpoise to the remaining influence of the former Brahmin Government, and to remove from the minds of the Mahrattas the dread of the complete extinction of their national independence, and still more, that of the entire loss of their means of subsistence.' With these objects in view, the territory was ceded, by the first article of the treaty, 'in perpetual sovereignty to the Rajah of Sattara, his heirs and successors.' It was impossible to have made use of words less likely to be misunderstood; yet it is now contended that the succession was to Purtaup Sing and his lineal descendants alone; as if it could be believed that Mr. Elphinstone, the eminent statesman who created the principality for the benefit of the Mahrattas, should have so limited the succession, as that by the death of Purtap Sing the perpetual sovereignty might have come to an end before the ink was dry on the treaty which established it. Any such limitation would have been utterly inconsistent with the objects for which the sovereignty was created, and the Bombay authorities of the day plainly admitted [redacted] real intentions of the treaty, when they recorded their opinions, that on the depos[redacted] Purtap Singh, Appa Sahib was, by reason of his consanguinity, the only perso[redacted] whom the sovereignty could be conferred. He succeeded therefore as next of ki[redacted] Purtap Singh; and as the first article of the original treaty, which cedes the terri[redacted] 'in perpetual sovereignty to the Raja of Sattara, his heirs and successors,' was express[redacted] confirmed to Appa Sahib, it follows that his heir has the undoubted right to the Sattara[redacted] throne. Under the rule of the Peishwas, the usurpers, the lawful succession to the titular sovereignty of Sattara was respected during the whole period that the Rajahs were in confinement; under the British rule, when they were released and placed at the head of a portion of their ancient possessions, which was to be their sovereignty for ever, the succession is to be arbitrarily set aside, and the territory to revert to the power which gave it."

t. The Hon'ble W. Melville, one of the members of the Court of Directors, gave his opinion on the 9th of January, 1849, which will be found at page 137 of *Parliamentary Papers*. Para. 8 of his Minute is as follows:—

(*Extract No.* 243.)

8. It would seem scarcely necessary to say anything regarding the terms of a treaty clear in themselves, and which has regulated the relations between the British Government and the Sattara Raja for thirty years. I have heard it urged, however not in

the papers, that this sovereign's powers were so restricted by the prohibition to entertain troops and to correspond with other powers, while he was bound to be guided by the advice of the British Agent, that the words 'perpetual sovereignty,' do not mean 'perpetual sovereignty' and in fact have no meaning at all. But surely it was not thus that Mr. Elphinstone made treaties, or the Marquis of Hastings ratified them. Those eminent men well knew what they intended and what they signed. Apply, too, the law applicable to all treaties, that 'it is not allowable to interpret what has no need of interpretation.' It is not an inference, but a fact, that this territory of Sattara was ceded 'in perpetual sovereignty' to the Raja, 'his heirs and successors,' with all the rights and functions of sovereignty, except where expressly limited by the other articles of the treaty. In accordance with this principle of the treaty, the Court, on the 7th of April, 1841, declared that, 'we do not now feel that we have any concern with the favours which the Raja of Sattara may think fit to confer upon his own subjects, except in so far as our general right of giving advice might require us.' If these words are not to be received by us in their plain and obvious meaning, what words can bind us? What engagements may we not scatter to the winds? What security is there for any right existing under the British Government in India?

This clear elucidation of the treaty by the Hon'ble Mr. Melville and the just and weighty reasons he has adduced to strengthen our claims are altogether far weightier than the remarks of the Directors taking the opposite view, and these very reasons are well calculated to refute the opinions of those few who advocated the annexation of our sovereignty. Strange to say that those statesmen, without thinking for a moment when [redacted]etting aside the solemn treaties concluded with us and violating without [redacted]use the solemn and perpetual promise made to our family, did not even [redacted]eam that they were rendering themselves accountable before God [redacted]d man.

u. The remarks of General Caulfield to the effect that our sovereignty was independent are published at page 141 of *Parliamentary Papers*, *Sattara Raj* and are as follows :—

7. "Now it is manifest, from the report of the Honourable Mountstuart Elphinstone to the Supreme Government, that it was expediency alone that induced the British Government to invest the Raja of Sattara with sovereign rights. He was proclimed the head of the Mahratta empire, to withdraw the allegiance of the army and people from the Peishwa, and thereby enable the British Goverment to bring an expensive war to a speedy conclusion."

v. In a speech delivered by Colonel Sykes, a Director, this gentleman contends for the full independence of our sovereignty as will be perceived from the following extract of pages 53—55 of the pamphlet published by Mr. Norman (at London) in 1849.

"Mr. Elphinstone said that the territory was ceded to the Raja in consequence of the antiquity of the Sattara family. Mark that! Not in consequence of his own claims or merits, but in consequence of the antiquity of his family, the British Government had thought right to allot that territory to his family in perpetual sovereignty for the support of his family, and after him to his heirs and successors. What he said then, in the case of the Raja of Sattara, was this, that he held the sovereignty under certain conditions, he might, under those conditions, be required to obtain the sanction of Government before he adopted, but, in his opinion tho case did not stand upon the right of adoption. The treaty gave him sovereignty in perpetuity, to remain in his family until it became extinct. There was no doubt then that, at the present moment, there were seven distinct Sattara families in existence."

w. The remark of Sir Henry Willock to the same effect is as follows:—

(*Extract No.* 244.)

He conceived that the Government were bound to fulfil the treaty, according to the acceptation put upon it by Mr. Elphinstone and the Raja, and that in annexing the territory of Sattara a sacred engagement had been violated, which would affect the public mind of India, and also the minds of independent princes acting under their superintendence.

x. Some of the Directors of the East India Company have said th the Raja of Sattara never had any rule or sovereignty,—that the Ea India Company wrested the sovereignty from the Peishwa, and that th conferred a small principality on the Raja from the territory conquere by the Peishwa. This version of the story is untrue, which I will demon strate by a letter from the Court of Directors themselves to the Govern-or-General, dated 7th February, 1838, in which they quote the opinions of Mr. Elphinstone on the weight to be attached to the authority of the Rajas of Sattara in granting Jageers to vassals for services rendered to the State.—

(*Extract No.* 245.)

I recommend that all granted by the Mogul Emperors, or the Rajas of Sattara, should be hereditary in the fullest sense of the word. The former must generally have been very long in the families which held them, and had survived two changes of dynasty; these do not seem now to be interfered with. *The latest of the Sattara grants must now be near a century old,* and must have survived one change of dynasty, besides our conquest: surely this is enough to entitle the possessor to feel secure from future disturbance. On this principle I believe we stipulated with the new Raja of Sattara, that he should not resume such grants of his ancestors as lay within his territory; binding ourselves by implication (if the fact be as I suppose) not to resume those within ours." Again, "Among the number (of Jagheerdars) is Yeswunt Row Dhabarry, mentioned

in the seventieth paragraph of Mr. Warden's letter, 8th January, 1834. This man's ancestor was hereditary General of the Raja of Sattar's army, and contested with the first Peishwa the possession of the Mahratta Government when the Raja became incapable of exercising it. The family possessed the province of Guzerat till they were driven out by their own servant, the Gykowar, combined with their old rival, the Peishwa."

The authority of our sovereignty is here put in juxtaposition with that of the Mogul Emperors themselves, being thus admitted as more than a century ago, of equal weight and consideration in the country. How comes it then that some individual Directors strove to style their Court the Lord Paramount of India, and deny that which has been officially admitted by their own body? In the treaties between the East India Company and the Peishwa himself, seals are attached bearing the *Raja's name and titles* as sovereign, and *under these* are placed the name and titles of the Peishwa, as his *minister and servant.* Further, in the registers and other state papers of the Peishwas themselves, of Bajee Rao amongst the rest, are entered the accounts, correspondence, &c. of the Rajas of Sattara, as *sovereigns* of the Mahratta Empire. I will here adduce an analogous case. The English Ministry carry on the administration of this country in the name of your Majesty; and your Majesty acts by the advice of your Ministers in Council: but should any one say that the Prime Minister is the sovereign of the country, would he not justly run the risk of being ridiculed for his ignorance? Our Government is called the Mahratta Government, the Peishwa is but our servant and minister as stated before; to call it the Peishwa's Government, kingdom or sovereignty, is just the same thing as talking about the English Prime Minister's kingdom or sovereignty. All the Peishwas, from the first to the last, have always conducted their administration under the command of the rightful sovereign, having first received the honorary dress, sword, and seals of State from us.

y. When the war was raging between the Peishwa and the Hon'ble Company, it was the desire of the latter to secure the good will of the Mahrattas as the only measure to consolidate their power and to protect their recent acquisitions. The Hon'ble Company's ministers then thought it desirable to order all Mahrattas through our ancestors (the head of the whole Maratha confederacy) to give up the cause undertaken ostensibly on our behalf by the Peishwa Bajeerao and to suspend all offensive operations. This we did upon the request of the Hon'ble Mr. Elphinstone by way of proclamations issued by our ancestors in 1818. Is not this circumstance sufficient to prove the independence of our State? What

more is required to prove it ? In proof of the above statement I beg leave to append here copy of the letter addressed by Sir Thomas Munro to the Hon'ble Mr. Elphinstone on the 19th March, 1819. (*See* Life of Sir Thomas Munro, vol. III, page 237.)

(*Extract No.* 246.)

"I am anxious to hear that the ceremony of placing the Raja of Sattara on the Musnud had been perfomed, because it would probably hasten the termination of hostilities and the settlement of the country. He should be required to summon Bajee Raw (The Peishwa) and his principal chiefs to his presence, and in case of their not obeying, to proclaim Bajee Row and all who adhered to him rebels.

"The orders of the Raja of Sattara will, I have no doubt, be received both by the chiefs who have already deserted, and by those who wished to leave him, as a full justification of their conduct; and those orders will, I think, have a considerable effect in intimidating even those few chiefs who are really attached to Bajee Rao, and in inducing them to forsake his standard; and it might likewise be advisable to send them to the Killadars of all forts commanding them to surrender."

To prove that we issued proclamations in accordance with the suggestions of Sir Thomas Munro I beg to append here copy of the letter addressed by Captain Grant Duff, the then Resident at Sattara to the Hon'ble Mountstuart Elphinstone.

(*Extract No.* 247.)

"Agreeably to what passed at your last private interview with the Raja, the ni[illegible] before you placed him on the Gadee (throne) at Sattara, the Raja issued two proclam[illegible] tions. The first of these, you will remember, was a declaration of the perfidy of Ba[illegible] Rao, in the manner he had behaved to the Raja and his family, and the second proc[illegible] mation was delegating a power to the Agent you had placed with him, to arrange [illegible] country intended for the Raja, and calling on his subjects to obey my orders as if th[illegible] were his own."

The contents of the order promulgated by a proclamation issued by us on the 14th April, 1818, are as follows:—

(*Extract No.* 248.)

2.—*Abstract—Purport of his Highness Maharaj Pretapsing Chuttraputtee's proclamation and Commands issued to all for their information and guidance.*

"Prosperity to the accession to the sovereignty (Raj Abheeshek) of the Mahratta Empire, in its 145th year, the name of the cycle (Sevetser) being the Eshwurreer Nar mur, in the month of Phalgoon Ved 14th (April 1818). His Highness Pretapsing Maharaj Chuttraputte, of the Khetre caste and family, the (*Swame Chuttraputte*) *Lord Paramount*.

"To all *Chieftains* (Sirdars) Killadars, Fiefs and Tenure-holders (Jageerdars and Serinjams) commanders of troops of cavalry, both of Government's and their own horses and individual horsemen (Pagah Putkay Sillehdars.) To all Commanders of Hill Forts and Fortresses. To all Troops of various description (Sheebundee). To all Landholders (Zameendar), and holders of grants and tenures for services performed

(Enamdars). To all holders of tenures and grants to perform service when required (Dhoomalder and Bajee Loke). And to all the subjects, Marattas and others, of the Mahratta Empire—It is thus commanded, to wit: on account of the misconduct of Bajee Rao Rooghnath *Prudhan* (the *Prime Minister* or *Peishwa*) his administration of the affairs of the Empire is put an end to, because he showed artifice and deceit towards our person and state, oppressed the subjects, became at variance with the English Company, and went to war with them: at which time His Highness the Raja, considering within himself, in order to preserve the state and the subjects thereof, and placing confidence and reliance in the English Company, came, of his own free good will and accord, into the English camp, at the time of the battle between the Company and Bajee Row, the Peishwa; and there a reciprocal friendship took place between His Highness the Raja and the English. Upon all these circumstances, no communication is to be held with Bajee Row, nor any letters or writing to be sent or received, nor any assistance to be afforded. Moreover, all are to remain quiet at their respective places, and not to make war nor any disturbance with any one or anywhere. Whosoever shall not regard these commands, but shall make war or any other disturbance, whatever grants or other tenures (Jageers) they may hold and enjoy, they will be deprived of the same by the State (Sircar), and be punished accordingly. Let this be proclaimed and made public to all."

The following are the contents of the second proclamation issued by our ancestors at the same time.

(*Extract No.* 249.)

3. *Translation of Maharatta Proclamation, abbreviated.*

"In the year 145 of the accession to the Sattara State and throne (corresponding to year 1818 of the Christian era), on a state day, His Highness Maharaj Pretap Singh [illegible]ttraputte, of the high Khetry caste, has thus decreed and commanded that all persons should be publicly informed, to wit—"That our royal commands and proclamation were formerly issued regarding the friendship formed between the Company's Government and our State, and that our royal troops had come to our State and royal residence at Sattara, therefore that our accession to and ascending the throne had taken place.

"Whatever territory may be assigned to this state, such is to be protected, and a due arrangement made against every sort of oppression towards our subjects and people, and punishment to those who act wrongfully, and this is to be made public to all people by the state, according to approval made. Therefore for this purpose, Captain Grant Bahadoor (The English Agent) has been directed and authorised by us, to wit: that he is to conduct our State affairs in such a manner as will prove conducive to the advantage and prosperity of our State and that he is moreover to punish such as act improperly, and embezzle the property, or take bribes in the affairs of the State, or shall oppress the subjects and people: therefore this proclamation is issued and made public, in order that all may be made acquainted herewith.

I beg to transcribe in full the contents of the proclamation issued by the Hon'ble East India Company on the 11th February, 1818, acknowledging and recognising the reinstatement and independence of our State. It will fully convince your Majesty and your Majesty's Councillors of the

deliberate intentions and liberal promises, shown and made by the statesmen at the time and which their successors were bound to keep and fulfil.

(*Extract No.* 250.)

The Raja of Sattara, who is now a prisoner in Bajeerao's hands, will be released, and placed at the head of an independent sovereignty, of such an extent as may maintain the Raja and his family in comfort and dignity. With this view the fort of Sattara has been taken, the Raja's flag has been set up in it, and his former Ministers have been called into employment. Whatever country is assigned to the Raja, will be administered by him, and he will be bound to establish a system of justice and order. The rest of the country will be held by the Honourable Company.

z. Let me now, with your Majesty's permission adduce another proof that my sovereignty is an independent self-sustained State. During the time of Shreeman Chuttraputte Pratapsing Maharaj the Resident of Sattara used to come on visits to His Highness; the usual custom was that the Maharaja sat on the throne while the Resident, without taking his seat on a chair as other officers of the State, used to sit on a carpet. As also when the Governor of Bombay and the Maharajas exchanged visits the practice of the Durbar was that when the Maharaja paid visit to the Governor both of them sat on one couch, the Maharaja taking his seat on the right of the Governor; so when the Governor came to our Durbar he sat to the right of the Maharaja. Whether such practice bespeaks [redacted] subordination or independence I leave for your Majesty to decide.

aa. A translation of the preamble and the first article of [redacted] Mahratta version of the treaty of 1819, was furnished on 1st. January 1849, by J. W. Graham, Proprietor of the Hon'ble E. I. Company and chief Translator and Interpretor to the late Supreme Court of Bombay. The preamble and the first article of the treaty as translated in English are given below. From these your Majesty will be fully convinced of the dignity and grandeur of our House. The words "Maharaja Chhutraputte" are interpreted by Mr. Graham to denote the highest title of a Hindoo sovereign, and mean Monarch or Emperor. Now, has any prince in India with whom the Hon'ble Company made treaties, whom they consider independent, allow adoptions for their state and recognise such adoptions without bringing forward the excuse of dependence, as was done in our case, this high and monarchical title? If no one else has this distinction, and if our family possess it hereditarily what dispute can there lie about the independence of our family. The (translation) of the preamble and of the first article of the Treaty in Maharatta are quoted under paragraph 55 of this Memorial.

bb. The Hon'ble Mr. Elphinstone has fully recognised the independence of our sovereignty in his proclamation of 11th February, 1818, in the treaty concluded with us and also in his report submitted by him to Government of India in 1821. He writes in the same strain on several occasions. If it had been the intention of this statesman to consider our sovereignty as dependent he would never have written to the Hon'ble Court of Directors to the effect, that it would be of great use to the Hon'ble Company if the number of "independent" native states be increased. When he advocated the preservation of the independent states and recognised some of our dependents and vassals as independent, how could it be, that he held our sovereignty to be subordinate and not independent? The following is an extract of the letter of the Hon'ble Mountstuart Elphinstone to the Court of Directors dated 5th August, 1832.

(*Extract No.* 251.)

"It appears to me (said Mr. Elphinstone) to be our interest as well as our duty, to use every means to preserve the allied Government; it is also our interest to keep up the number of independent powers: their territories afford a refuge to all those whose habits of war, intrigue, or depredation, make them incapable of remaining quiet in ours; and the contrast of our Government has a favourable effect on our subjects, who, while they feel the evils they are actually exposed to, are apt to forget the greater ones from which they have been delivered. If the existence of independent powers gives occasional employment to our armies it is far from being a disadvantage."

cc. Another proof of the independence of our sovereignty is that in all treaties concluded by the Hon'ble Company with the other princes and chiefs of India such as the Nabob of Oude, the Raja of Mysore, the Nizam Alli Khan Bahadoor, have acknowledged the superiority of the East India Company and agreed to pay the Company tribute and render homage. But our treaty was concluded with the Hon'ble Company on terms of perfect equality. However, those who recognized the Company's supremacy and paid them tribute were treated by the Company as independent, their territories were continued to them, and their adopted heirs were recognized as their successors: and yet a different measure, in spite of solemn promises, was accorded us by the same Company most arbitrarily. Mr. John Sullivan in his letter to Sir John Cam Hobhouse, dated 4th August, 1848, observes.—

(*Extract No.* 252.)

The distinct recognition of the Raja, as an *independent Sovereign*, by the authority which suggested his restoration, and by the authority which sanctioned that measure, bars all the attempts that have since been made to degrade him to the condition of a feudatory or dependent, and although in the Treaty into which he entered with us, the

Raja consented that certain restrictions should be placed upon the exercise of the rights which belonged to him as an independent Prince, he no more resigned his character as a Sovereign, than did the Nabob of Oude, the Raja of Mysore, the Nizam and others of our Allies, who by Treaty are bound to submit in certain cases to our interference in their internal administration.

dd. There is an ancient Hindu custom in India to the effect that none but monarchs or Emperors can wear gold ornaments about their feet; that Hindu Monarch alone, whose supremacy and independence are established over all, is privileged to wear them on his feet. In accordance with this custom our family and the families of certain of our kinsmen have been privileged to wear gold anklets. No dependent prince or chief, Surdar or Jahagirdar has this privilege. An illustration of this incident of our kingly state is on record. A lady of our family, given in marriage to the family of Angria (Colaba) became importunate to wear gold chains round her feet and she tried her utmost to obtain royal permission; but it was ruled that except in the case of certain families of our kinsmen it was disrespectful to us for others to wear such gold ornaments on the feet. To this effect did the Peishwa Bajirao Raghoonath on that occasion write a letter to the Mamlatdar Baburao Krishna of Sattara dated 27* Ramjaun and is as follows:—

(*Extract No.* 253.)

"When Raghojee Angre and his wife came to visit Shreeman Maharaj, the w[illegible] requested the Maharaj and Aee Saheb (Maharaja's mother) to make her gold chain[s] wear on her feet. Upon this the Aee Saheb asked me and I answered that I w[ould] refer the matter to Poona and get a reply. Therefore since Angrias are on best te[rms] with our sovereign, there seems to be no objection for one of them to wear gold chains[.] After receiving a reply from you, I will request the Maharaja to make her the chains of small value. The Angrias wife is the daughter of Kusajee Bhousale and by that relationship calls herself the daughter of the Maharaja who therefore has an interest in the matter." Thus you wrote at length in behalf of Angria and I have learnt it. But (for any one else than the royal family) to wear gold on the feet is disrespectful.

84. I now beg to draw your gracious Majesty's attention to various decisions based on the law and usage of India to the effect that an independent sovereign requires no permission to make a valid adoption, which decision has been arrived at by statesmen in the Hon'ble East India Company's time. The following gives the decision of Sir Charles Metcalfe Lieutenant Governor of Agra in 1839, regarding the adoption by the Raja of Orcha in which the right of adoption by dependent and independent Princes is clearly stated.

* No year is given.

(*Extract No.* 254.)

‡ "The question resolved itself into whether Chiefs and Princes, not having heirs of "the body, have a right to adopt a successor to the exclusion of collateral heirs, or to the "supposed reversionary rights of the paramount power; and whether the British Govern- "ment is bound to acknowledge the adoption."

§ "There is a *wide difference* in the disposal of the question between sovereign Princes "and Jageerdars,—between those in possession of hereditary sovereignties in their own "right,—and those who hold grants of land or public revenue, *by life grant from a* "*sovereign, or paramount power.*"

‖ "Those who are Sovereign Princes in their own right, and of the Hindoo religion, "have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the sup- "posed reversionary right of the paramount power; the latter, in fact, in such cases hav- "ing *no real existence*, except in the case of absolute want of heirs; and even then, the "right was only assumed by virtue of power; for it would probably be more consistent with "right, were the people of the State so situated left to elect a Sovereign for themselves.

"In the case, therefore, of Hindoo Sovereign Princes, I should say that, in failure of "heirs male of the body, they have a right to adopt, to the exclusion of collateral heirs, "and that the British Government is bound to acknowledge the adoption, provided that it "be regular, and not in violation of Hindoo law."

85. I beg leave in this paragraph to place before your Majesty for consideration the decisions of the officers of the East India Company to the effect that the Princes and Chiefs of India have a right to adopt an heir to their gadis (thrones) in accordance with the Hindoo Law, usage of the country, and family custom.

a. The following is from the Minute by Sir Charles Metcalf, the Lieutenant Governor of the North West Provinces dated the 28th October, 1839, and cited by Mr. Joseph Hume in his speech in the House of Commons published in the London *Times* of August 1, 1849.

(*Extract No.* 255.)

(Mr. Hume said) "That it appears from the papers laid before this House, that by the law and usage of India, as recognized by the British Government, and distinctly expressed in a Minute of Sir Charles Metcalfe, Lieutenant Governor of the North Western provinces of India, and dated the 28th day of October, 1837, Hindoo princes, in failure of heirs male of their body, have a right to adopt, to the exclusion of collateral heirs, and of any supposed reversionary right of the paramount power; and that the British Government is bound to acknowledge the adoption, provided that it be regular, and not in violation of Hindoo law.

b. Here is given the decision of Lord Amherst in 1826, to grant permission to H. H. Dowlatrao Scindia to adopt when he became dangerously ill, (published in the *Parliamentary Papers, Sattara Raj*, pp. 5–9)

‡ P. 141 (Minute 28th October 1837.) § P. 128. ‖ P. 141.

stating that the Honourable East India Company had never before, and would not hereafter, object to adoption by the Princes of India.

(*Extract No.* 256.)

" Nothing could be farther from the wish and intention of the British Government than " to exercise, now and hereafter, any intervention in the internal administration of his " country—that it did not pretend to any right to control or regulate the succession to the " State of Gwalior—that its sole motive in offering advice on the subject, was the interest " which it took in the maintenance of the general tranquillity" " that Scindiah, as the " absolute and despotic ruler of the country, must be considered to possess the undoubted " right of determining the succession,"—and that it was prepared to recognise any selection that might be " made by the general voice, or by a majority of the chiefs and principal " persons of the country, according to usage, whether the letter of the written law was " adhered to or not."

c. There is also a Resolution of the Government of India in 1825, confirming the adoption by the Raja of Kotah in 1821, published in the *Parliamentary Papers, Sattara Raj*, pp. 153, 154, 155, 157, 161, 162, 163.

d. Another Resolution is by Lord W. Bentinck in 1840, recognising the adoption by the Raja of Dutteah in 1830, published in the same *Parliamentary Papers*, Pages 116, 117, 119.

e. After the death of the Raja of Dhar, (Central India) his Rani adopted an heir who succeeded to the *gadi* and the succession was recognized by the British Government. (See *Parl. Papers, pp.* 110–11[illegible]

f. When Mulharrao Holkar died in 1833, he had adopted an heir [illegible] the *gadi*, and, after much discussion, the British Government confirm[illegible] Hureehur Rao Holkar the adopted youth in 1834. The correspondence relative to this matter is published in the *Parliamentary Papers, pp.* 43, 44, 46, 53, 54.

g. When the Raja of Orcha (Bundlekund) adopted an heir in 1839, he wrote a *Khareeta* to the British Government praying for his recognition. Sir Charles Metcalfe, Lieutenant Governor of Agra, gave his opinion, stating that the British Government was bound to recognize the adoption by independent personages according to the Hindoo law, and suggesting a rule as to the adoption by independent Princes and petty Chiefs. The adoption by the Raja was then confirmed by Lord Auckland (See *Parliamentary Papers, pp.* 128, 141, 128 131). If Princes and Chiefs fail to have legitimate heirs they have a right to adopt (*Vide* Para. 84—*a*)

h. When the Rawul of Banswarra (Malwa) died in 1838, without issue and without having adopted an heir, his Durbarees elected* Bahadur

* Exactly parallel course to that provided for in the Sattara Treaty under the term *Kaim Mukam*.

Sing to the *gadi*. Subsequently Bahadur Sing, having no issue, adopted Luxmon Sing. The election and adoption were afterwards recognized *without hesitation* by the British Government (see *Parliamentary Papers*, *p.* 168.)

i. The Raja of Kisangar (Rajpootana) died in 1841, without issue and without adopting an heir; but the heir whom his *Rani* subsequently adopted was recognized by the British Government (*See Parliamentary Papers, pp.* 175–176.)

j. In 1841 the Maharana of Oudeypore (Meywar) made an adoption of an heir without formally announcing it to the British Government. After much discussion the British Government recognized the adoption (*See Parl. Papers. pp.* 184, 190, 193.)

k. The titular Raja Jaswant Sing of Doongerpore (in Malwa) died in 1846 without issue or a lineal descendant, and it was arranged according to the wishes of the people (as in the Banswarra case) to seat Dawlhat Sing on the *gadi*. The plan was ratified by the British Government (*See Parl. Papers, pp.* 184, 190, 193.)

l. Pertaub Pal the Raja of Kerowlee (in Rajpootana,) died in 1848 [illegible]hout issue. Subsequently his Rani adopted an heir whom the British [illegible]vernment recognized.

m. I have already observed that when Dowlutrao Scindia (H. H. Maharaja of Gwalior) became dangerously ill, Lord Amherst urged on him to name a successor. Again in 1836 by the threatened death of Junkajee Scindia it appeared that there was likely to be no successor to the *gadi*. Thereupon Lord Auckland again suggested the adoption of an heir. But Jankajee died leaving no heir either by blood or adoption, and his *Rani* had to adopt a successor whom the British Government recognized (*See Parliamentary Papers, pp.* 1, 28, 36, 30, 9.)

n. H. H. Mulhar Rao Holkar having adopted Martand Rao as his successor, Hureehur Rao expelled him from the *gadi* and ruled in his stead adopting as his heir Khanderao who succeeded him in 1843. Khanderao dying the same year without issue or an adopted heir, his wives adopted him a successor, whom after much discussion the British Government recognized (*Parliamentary Papers, pp.* 79, 87, 32, 58, 59, 86, 91, 87, 79, 88, 83, 81, 82, 84, 99, 102, 99, 103, 84, 85, 97, 59, 101.)

o. I beg leave now to direct your Majesty's attention to the letter by Mr. John Sullivan to Sir John Hobhouse, President of the Court of Directors, dated the 4th August, 1848, in the 22nd para. of which he thus writes as to our right of adoption—

(*Extract No.* 257.)

When we, by formal treaty, ceded the territory of Sattara "to the Raja Pertaup Shean, his heirs and successors in perpetual sovereignty," we knew, that in the event of failure of heirs male of his own body, it would be his duty to exercise the right which was inherent in him as a Hindoo, of adopting a son. If then it was our intention to curb him in the exercise of that right, it was our duty to have made the succession of an adopted son, contingent upon the consent of the British Government, a positive stipulation in the Treaty. We failed to do this: the son, therefore, who was adopted by the late Raja, has a legitimate right to the territory of Sattara under the treaty.

p. I will now, with your Majesty's leave, quote below sections 13 and 14 of the Minute of the Honourable Mr. St. George Tucker in connection with the annexation of Sattara, dated the 10th January, 1849, by which it will be seen that I have a perfect right to adopt an heir every way entitled to succeed to the throne—

(*Extract No.* 258.)

"13. Upon the validity of the adoption made by the late Raja Appa Sahib, when at the point of death, I am not prepared to pronounce a decided opinion, for it involves question of Hindoo law and usage: and although I have great reliance on the excel judgment, knowledge, and experience of Sir George Clerk, the late Governor of Bom I am aware that there must be a concurrence of circumstances and conditions to validity to an adoption; and it appears to me that the question ought to have been refe to the highest legal athorities. On one point, however, I can have no doubt, that great violence could not be done to the feelings of our Hindoo subjects than by denying them the right of adoption; for the presence of a son or heir by adoption is essential, I have always understood, to the due performance of certain ceremonies to which the Hindoos attach great importance at the obsequies of the parent.

"14. But if the doctrine propounded by the Civil Members of the Bombay Council be correct, the right of adoption by a Hindoo prince, having political relations with the British Government, will become a mere mockery. If it can be barred merely because the Government have a contingent interest in the result; it is no longer a right, and we should at once declare to our Hindoo allies and dependents that, as far as territorial rights are concerned, we reserve to ourselves the power to regulate and restrict all adoptions.

q. Here allow me to show the opinion of the Honourable Mr. W. Melville, a Director, expressed in sections 6, 7, 10, 11 of his Minute of 9th January, 1849, published in the *Parliamentary Papers*, p. 139, which affirms our right of adopting an heir entitled to succeed by the Hindoo Law—

(*Extract No.* 259.)

"6. I propose first to make a few remarks on the treaty and on the law of the country by which effect is given to the treaty; and secondly, on the objections which have been offerd to permitting the adoption.

"7. I may begin by observing that the British authorities, in exercising the highest and most delicate of all the functions of Government, viz. that of deciding between itself and a weak and helpless neighbour, is bound to be guided by those clear and acknowledged principles of public law which have been declared by authority, and recognized by custom. According to these, nothing latent nor dormant, brought forward to meet the emergency, should be admitted into the discussion; and distrust of the disposition, inherent in all Governments to add to their territories, should find a place in coming to a decision.

"10. Now the word "heirs," when used in India means either an heir of the body, or an heir by adoption. Both are equally rightful heirs, and it is difficult to convey to English mind the validity of the relationship severed and created by the tie of adoption. Except in regard to marriage, and the collateral descent of property, the paternal relation ceases to exist between the adopted son and his natural father, and the son belongs exclusively and entirely to the adoptive father. A well-known case from the books may illustrate this:—A. and B. were brothers. A. had two sons, C. and D., B. was childless. B. adopted one of A.'s sons, C.; and some time after, the son remaining with A. (viz. D.) died. Under these circumstances C. could not succeed to A. as his son, but only as his nephew, through A.'s brother B.

"11. Such is the law and such is the custom throughout India, and it is the respect we have shown for these laws and usages, which, in the eyes of the natives, serve in some [redacted]e to mitigate the enormous evils of foreign domination. Such, too, is the law of the [redacted] of Sattara, for the late Raja's father was thus adopted in 1777."

[redacted]anu, our celebrated law-giver, whom even the Vedas pronounce as [redacted]nfallible authority, has the following in his Chapter IX. regarding [redacted]doption:—

"माता पिता वा दद्यातामन्यमद्भिःपुत्रमापदि ॥
सदृशं प्रीतिसंयुक्तम् सज्ञेयो दत्रिमःसुतः ॥"

Translation:—"He whom his father or mother, with her husband's assent gives to another as his son, provided the donee have no issue, if the boy be of the same Gotra, and affectionately disposed, is considered as a son given; *the gift being confirmed by pouring water*" (Sir William Jones's Works, Vol. VIII., p. 28.)

Shaunaka, another authority, declares that the gift, acceptance, and the *home* or sacrifice are the only essential requisites in adoption. The "venerating the King and the virtuous Bramins" is thus only a formality.

The Mitakshara, a welknown commentary on Yadnyavalkya, a celebrated authority in India, says: "The mode of accepting a son for adoption

is propounded by Vashishta: A person being about to adopt a son, should take an unremote kinsman, having convened his kindred, and announced his intention to the King, and having offered a burnt offering with recitation of the holy works in the middle of his dwelling." Another high authority, Bandhayan has the following :—

"बन्धूनाहूय राजनि निवेद्य."

Translation :—" Inviting and informing the kinsmen before, or in the presence of the Raja," (*Adoption v. Annexation*, by Rao Saheb V. N. Mandlik, Pleader, High Court, Bombay,) or, according to Colebrooke and Sutherland "having convened his kindred and announced his intention, or made a representation to the Raja."

It will be seen from these passages that by Hindu law no one's permission is required for making an adoption, nor is the sanction of any one necessary for its validity.

The following extract from a European authority will show that there is no kind of difference between a son adopted and a son begotten :—

(*Extract No.* 259. *a.*)

The relationship with natural family ceases.—According to Sir Thomas Strange, when a father gives away his son after the rites of initiation, his relationship with his or natural family ceases, and a relation to the adoptor commences. His relationship his own family is replaced by the new relationship with that family into which, in effec is transferred. He is completely regarded as a natural son, and not only so, but taken into the family. He becomes connected with it both lineally and collaterally. T he inherits from any lineal and collateral branch the property to which he would have succeeded if he had been a natural born son. He acquires the rights of a son in the hereditary immovable property of the adoptive father; of which he cannot be deprived by [the said father] assuming to adopt a second son, and settling the hereditary property upon him, with a declaration that the first was disinherited.

The adopted son becomes as a natural born one.—The theory of adoption being a complete change of paternity, the son is to be considered as one actually begotten by his adoptive father, and he is so in all respect save one, an incapacity to contract marriage in the family from which he was taken.

Rights and duties in adoptive family.—His position is, therefore, that of a son begotten. Being transferred from his own family, he becomes as the natural son of the adoptor, and enjoys the right of succession in his new family, with the duty of performing for his adoptive father his exequial rites and ceremonies, and his rights of succession attach to the entire property of the adoptor, real and personal, and self-acquisitions undisposed of by the father. In the Dwyamuchyayana form he performs the funeral rites of his natural father as well.

86. In the year 1749 A. D. the Maharaja Shahoo Chhatrapati adopted Rama Raja the son of H. H. Raja Sivaji of Kolapure. In the same manner in the year 1773, the son of Trimbackjee Bhousale of Wavi was adopted by Maharaja Rama Raja and was named Raja Shahoo Maharaja. On these two occasions of adoptions in our family no permission was asked of any one, our independent regal position making such application wholly unnecessary. Besides, to what higher power could we have applied? Our order conveying the news of adoption was obeyed by all, and the adopted of the Rajah became the ruler of the kingdom. These statements are borne out by the following facts:

As mentioned above, in the year 1749, A. D. the son (of No. 59 in the family pedegree) of H. H. the Maharaja Shivaji of Kolapore was adopted by H. H. Maharaja Shahoo a little before his death. All this was done independently without permission from, or even so much as confirmation by any superior power. No objection was taken to this step by the then Peishva, Scindia, or Holkar, or the Emperor of Delhi, or by any one else and in due course the adopted son ruled the kingdom. Space will not permit to show in detail, the royal orders issued on this occasion which were responded to by the Sirdars and the public in general. The following particulars will show that, on the occasion of the adoption in [redacted]77, A. D. by Maharaja Rama Rajah (No. 70) of one (No. 77) in the family [redacted]avikur, no permission or confirmation was taken or required and the sole power with respect to adoption lay with us. The news of [redacted]above adoption was only conveyed by letters. The Peishwa, Scindia, [redacted]kar, the Chief of Nagpore (Berar) and all other Sirdars of the [redacted]ahratta Empire; none of these took any objection to the adoption. But all of them showed their satisfaction and joy by letters written as from inferiors to their monarch. So in each case the adopted son ruled over the kingdom without any obstacle, being accepted by all as their Lord paramount. The following are copies of some of the letters or orders written to the Sirdars with the loyal responses written by the latter on their footing of acknowledged inferiority.

a. The following is translation of the letter to the Peishwa Madhavarao Narayan, written on the 19th June, 1799.

(*Extract No.* 260.)

Rajamanya Rajashri Madhavarao Narayana Pant Pradhan (Peishwa) We order to the effect that:—We (literally the sovereign or master) have reached the old age, without being blessed with any male issue of our own for our successor. But being desirous that a son should inherit the throne we ordered the son of the Bhousale of Wavi to be brought

by you to Sattara, to be adopted. On his coming to us at Fort Sattara, some learned Brahmins astrologers, and others were invited and Wednesday the 13th of the lunar fortnight of Jeshta was fixed upon as the auspicious day for adoption, and we have adopted the boy according to proper ceremonies, and we have named him at an auspicious moment Chiranjiv (long-lived) Rajashri Shahu Maharaja. Let this glad news be received by you.

Orders (letters) like the above were issued to the Rajah of Kolapore, to Senasaheb Subha (Nagpore) Mudhoji Bhosale, Sena Dhurandhar, to Phateshing Guickwar, to Tukaji Holkar, and to Mahadji Scindia. They are as follow—

(*Extract No.* 261.)

We (Maharaja) have become weak (with age) and have no son; but thinking it desirable to adopt one, we ordered the Peishwa Madhavarao Narayana to bring the son of the Bhosale of Wavi a branch of our own family; and we adopted him according to due ceremonies and forms on the 13th of the first fortnight of Jeshtha *i. e.* the 19th July, 1777. We have given him the name of Chiranjiv (long-lived) Maharaja Shahoo. This order is issued that you may all receive this glad news.

b. The following letter was addressed to H. H. the Nizam—

(*Extract No.* 262.)

We have become infirm and have no son. Intending, therefore, to adopt a son from some branch of our Bhosale family, we ordered the son of the Bhosale of Wavi to be brought to us by the Peishwa, and adopted him according to the ceremonies prescri[redacted] in the Hindu Shastra on the 13th of the lunar fortnight of Jeshta. We have named [redacted] Shahoo. You will know the full particulars from what Madhavarao Narayana Punt Pra[redacted] (Peishwa) will write to you.

c. Answers were received from Scindia, Holkar, Guickwar, Senasa[redacted] Subha, Sena Dhurandhara to the letters sent to them. The following [redacted] translation of the answer from Mahadji Scindia, dated 6th September, 1777.

(*Extract No.* 263.)

Shri.

To

The sovereign Shrimunt Rajshri Maharaja Chhatrapati.

Salutation of your obedient servant Mahadji Scindia 3rd Sud of Bhadrapada Kasaba Rahimatapore. The repeated prayer is that your servant (Mahadaji Scindia) is doing all right at Kasaba Rahematpore by the Sovereign's favourable countenance. My prayer (again) at your service is that I bowed to the letter bearing your Majesty's order to this effect that your Majesty has no son though far advanced in age: that, thinking it desirable to have a successor to the possession of throne, your Majesty settled upon adopting a boy, found qualified for the purpose by the eight ministers, from the family of the Bhosale of Wavi and did adopt him on Wednesday the 13th of the first fortnight of Jeshta according to the proper ceremonies, and that (you) named him Rajashri Shahoo Raj. All these parti-

culars delighted me very much. It is a very happy thing that our Lord, having the welfare of his subjects both great and small, at his heart, has adopted a son. All have got a fresh support in the adopted son. It rests with our Lord to protect his servants through kind letters. I beg that this be made known to your Majesty at your service.

d. The letter dated the 10th September, 1777, from Tukoji Holkar.

(*Extract No.* 264.)

To

THE SOVEREIGN SHRIMUN MAHARAJAH CHHATRAPATI.

Salutation of the Servant Tukoji Holkar.

I am all well by the favourable look of our Sovereign at Jejuri. Particulars:—I experienced great joy on receiving on the 4th Saban, the letter dated 19th Rajab. Your order was to the effect, that our Lord approached his old age but has no son; that, thinking it desirable to have a successor to the possession of throne, our Lord settled upon adopting the son of the Bhosale of Wavi, with the consent of the Ashta Pradhans (eight ministers); that our Lord adopted him on the very auspicious day viz. 13th of the first fortnight of Jeshta, according to the proper ceremonies and forms; and that on the same day he was named Rajashri Shahoo Raja, and that this glad news should be known to me,—having learnt all this account I immediately became extremely delighted. May this be made known to your Majesty is my request.

e. The letter from Futtesing Guickwar, Sena-Khas-kel, Samaserbahadur, dated 13th November, 1777, is as follows :—

(*Extract No.* 265.)

To

THE PROSPEROUS MAHARAJA CHHATRAPATI.

10th of the lunar Saval.

Salutation of your servant Phatesingrao Guicowar Sena Khaskel Samaserabahadara.

Your servant's prayer is that he is doing well by the lord's graeious countenance.

As to particulars, the order issued to his servant, by our Lord's favour, contains that our Lord, on account of the absence of male issue to inherit the throne, adopted, according to proper ceremonies, the son of the Bhosale of Wavi, a branch of the royal family; and gave him the name of Maharaja Rajashri Shahu Maharaja. This was the cause of the greatest pleasure to me. Our Lord is able to favour his servant, by constantly issuing orders. Let this be made known to the Lord.

f. The following letter is from Mudhaji Bhosale Sena Dhurandhara, dated the 27th December, 1777.

(*Extract No.* 266.)

To

THE PROSPEROUS AND ILLUSTRIOUS THE LORD MAHARAJA CHHATRAPATI,

Dated 25th lunar Gilkat.

Salutation of your servant Madhaji Bhosale Sena Dhurandhara.

Your servant by the favourable look of your Majesty is doing well. Further particulars are "I became blest by bowing with the head, (to) the order, kindly issued by the

Maharaja. The order is to the effect that our Lord is advanced in age, but has no male issue, that our Lord, seeing the necessity of a son to inherit the throne, ordered the son of the Bhosale of Wavi, a branch of our royal family, to be brought by Madhavarao Narayana Pundit Pradhana (Peishwa) for adoption; that when the boy came to our Lord to Fort Sattara, he was found on consulting the Ashta Pradhans (eight ministers) to be fit for the purpose, and was accordingly, after the performance of the proper ceremonies, adopted with pomp, on the very auspicious day, Wednesday the 13th of the lunar fortnight of Jeshta; that, on the same day, he was given the name Chiranjeva (long-lived) Rajeshri Shahoo Raja and that the news of this joyful proceeding was sent to me for my information. It was indeed proper that our great Lord to adopt the son, ordered to be brought by the Prime Minister, Madhavarao Narayana, since our Lord has no male issue to succeed to the possession of the throne. May it be known that the news was also nothing but gratifying to the servant. May this be known to your Majesty.

Seal.

g. The letter from Raghoji Bhosale Sena Sahib Subha, dated 27th December, 1777.

(*Extract No.* 267.)

To

YOUR MAJESTY PROSPEROUS AND ILLUSTRIOUS MAHARAJA CHHATRAPATI.

25th of lunar Gilkat.

Salutation of your servant Raghoji Bhosale Sena Saheb Subba.

The repeated prayer of your servant is that he is doing well by the favorable look of our sovereign. Further I became blest by placing over my head the order, kindly issued by the Maharaja. The order is that our Lord is of an advanced age and has no male issue; that our Lord, seeing the necessity of a son to inherit the supremacy of the throne, ordered the son of the Bhosale of Wavi, a branch of our royal family, to be brought by Madhavarao Narayana Pandit Pradhan (Peishwa) for adoption; that when the boy came to our Lord at Fort Sattara, he was found by the Ashta Pradhans (eight ministers) as well as your Majesty to be fit for adoption; and that therefore, after proper ceremonies were performed, the adoption ceremony took place with pomp on the very auspicious day, Wednesday the 13th of the first fortnight of Jeshta; that on the same day he was given the name of Chiranjiv (long-lived) Rajeshri Shahoo Raja, and that this order was sent to me for giving me this happy information. It was indeed proper that our great Lord adopted the son, ordered to be brought by the Prime Minister Madhavarao Narayana, since our Lord has no male issue to succeed to the grandeur of the throne and royal insignia. May it be known that the news was nothing but gratifying to our Lord's servant. May this be made known to your Majesty is my prayer.

(Half Seal)

Letters were similarly sent by the Raja of Kolapore, and the Nizam of Hydrabad and other great Sirdars, but space will not allow their insertion here. Be it however mentioned that the Nizam of Hydrabad sent his letter expressing his joy through our prime minister Madhava-

rao Narayana, accompanied by articles of dress and ornaments of jewels, a list of which is given below.—

	Articles of dress.	
1	Laced *Chira*.....	1
2	Laced *Pataka*	1
3	Gosâ *Pench*	1
4	Laced *Jamewar*	2
5	*Kinkhap* (brocade)	1
6	Pieces of Shawl (white)	2
	Jewellery	
1	Shira pench	1
2	Jega.....	1

Thus these articles have been received.

h. Your Majesty will easily see, from the short account given above, that my ancestors enjoyed a high position in India and that our kingly influence extended to all matters whatsoever, that our independence as sovereigns was not questioned by the emperor of Delhi, the Peishwa, the Nizam, Scindia, Guikwar, the Bhosale of Nagpore, or by any other Sirdar in the country. None of these took any objection to our adopting a son, or, after adoption, to our making the adopted son our successor. From this your Majesty will see what an unprecedented injustice it is when we are dispossessed of our sovereignty by the Court of Directors, who allege as the reason or excuse that we are not competent to adopt a son without the permission of the British Government, and that it was not the practice in our family to make adoptions without the assent of some sovereign power—all which has been shown to be utterly erroneous and wrong.

87. I now beg to place before Your Majesty the opinion of one of your statesmen as to the construction to be put on the language of the treaties concluded by the East India Company with Native Princes and Chiefs generally.

a. Sir John Malcolm, an experienced statesman, who concluded hundreds of treaties in India, with a righteous heart lays down this rule as to their interpretation, namely, that the East India Company should understand them in the same sense in which the Native Princes and Chiefs, with whom they have been concluded, understand them. He goes on to remark, that though the Native Princes and Chiefs be insincere, the Company ought not to misconstrue the treaties with a view to their own benefit by annexing the territories of the native chiefs and princes contrary to the principle, which is as follows—(*vide* pages 11 and 12 of the printed letter addressed by a Vakeel of the ex-Rajah of Sattara to Sir John Hobhouse.)

(Extract No. 268.)

"It belongs," says Sir John Malcolm, "to good faith to interpret our treaties with consideration *to the sense in which they are understood* by those with whom they are contracted, and with every indulgence to their lax habits on such point, we can, I think, have no right, except under the most positive and clear breach of treaty, on their part, to go in any shape beyond the spirit of engagements, except on occassions when the public peace of the country, under our general protection, is threatened in a degree that calls for a change of rule, as a matter of positive necessity, in order to preserve tranqullity in our territories, and those of others." "I mean, however, to exclude from this omission that right "which has been often assumed, with respect to our own views of the comparative benefit "which the inhabitants would enjoy under our rule from that which they enjoy under that "of their native Princes. I am not, from my experience, prepared to admit this result, "as a general position to be founded in truth."

b. Sir John Malcolm's remarks are thus rendered by Mr. Sullivan in his letter to Sir John Hobhouse (at page 18 of the printed pamphlet by Mr. Norman in 1849.)—

(Extract No. 269.)

"It belongs (says Sir John Malcolm) to good faith to interpret our treaties with con-"sideration to the sense in which they are understood by those with whom they are con-"tracted, and with every indulgence to their lax habits on such points; we can, I think, "have no right, except under the most positive and clear breach of treaty on their part, to "go in any shape beyond the spirit of engagements. We are bound to consider more how "our acts, words, and engagements were received and understood by the native powers "concerned, than how they might be interpreted by our strict rules of judging and deciding "upon such questions."

88. Lest it might be suggested that because we did not rule our State with principles of justice, equity, and good conscience, and attend to the welfare and happiness of our subjects, therefore the annexation of our sovereignty was justifiable, I beg to give the following important testimonies:—

a. In the very Minute decreeing the annexation of our sovereignty penned by the Earl of Dalhousie, on 30th August, 1849, his Lordship, in his paragraph 22, admits the force of the argument advanced by Sir G. R. Clerk, the Governor of Bombay, to wit, that the sovereignty of Sattara was conducted on principles of justice, and that its government and administration were praiseworthy, as will thus be seen from his Lordship's Minute—

(Extract No. 270.)

* "22. I am unable to admit the force of the argument advanced by Sir G. Clerk for its continuance, which is founded on the happy and prosperous condition of the State, and the just and praiseworthy government of the late Raja."

* *Parliamentary Papers, Sattara Raj., p. 82.*

b. The Hon'ble Mr. St. George Tucker in the latter part of the 6th section of his Minute for continuing our sovereignty, dated the 10th January, 1849, observes that the professions of the East India Company, that their territories are governed and administered as well as the sovereignty of Sattara by the Maharajas Partap Sing and Appa Sahib, are far from being true. The portion of the section is as follows :—

(Extract No. 271.)

* There are persons who fancy that landed possessions in India cannot be successfully administered by native agency. In proof of this notion, I would point to the Rampoor jagheer in Rohilcund, which was a perfect garden when I saw it long ago, and which still remains, I believe, in a state of the highest agricultural prosperity. Nay, I would point to the principality of Sattara itself, which appears to have been most successfully administered, both by the ex-Raja Pertaup Singh, and his brother and successor, the late Raja, Appa Sahib; who have done more for the improvement of the country than our own government can pretend to have done in any part of its territory.

* *Parliamentary Papers, Sattara Raj., p.* 128.

c. Sir Bartle Frere, in para. 15 of his report to the Bombay Government (No. 106, dated 23rd September, 1848,) observes as follows, concerning the government and administration of the state by my husband, the late Maharaja Chhatrapati—(*Parliamentary Papers, Sattara Raj*, p. 120.)

(Extract No. 272.)

15. The late Raja having been a just and humane, a liberal and popular ruler, any supposed want of equity in the appropriation of his dominions, whether by absorption into the Company's dominions, or by transfer to a rival and inimical party, will lack the popularity which a similar measure, whatever its grounds, would always find among the industrious and peaceful inhabitants of a state, delivered from anarchy and oppression. Moreover, as he was celebrated for his attachment and submission to the British Government, the measure will not find the excuse which all men make for a power ridding itself, even by means they disapprove, of a troublesome or dangerous neighbour, and which was certainly made by a large number of the ex-Raja's own friends, on the occasion of his deposition.

d. The following is the substance of some of the letters received from time to time from the Bombay Government and the East India Company testifying to the friendly relations, which my husband during the period of his reign from 1839 to 1848, kept with the British Government, the assistance rendered by him to them, and the just and humane manner in which he ruled his subjects—

(Extract No. 273.)

* Abstract of Correspondence and Quotations of Letters from the Government of Bombay, the Government of India, and Honourable Court of Directors, communicated to His Highness the late Raja of Sattara, in the Yads from the Resident, referred to in the Yad from the elder Rance, No. 3, dated 9 May, 1848.

* *Parliamentary Papers, Sattara Raj., pp.* 44. 54.

1838.

Redress of Grievances, No. 372,24 February, 1840.

Khoomanpooree Gossain having been ejected from his Muth, and deprived of the enam village belonging to it, by the ex-Raja of Sattara, in 1837, the Resident remonstrated with His Highness in vain. On the accession of the late Raja, in 1839, he investigated the case, and directed the restoration of the muth and village, which, being reported by the Resident, that officer was informed "that the Honourable the Governor in Council had derived satisfaction in learning the circumstance."

Wishwanath Nilkunt Katray's enam village of Helgaum having been attached by the ex-Raja, he petitioned the Governor in Council, and the petition having been referred to the Resident, the Resident stated his opinion that the attachment was unjust. On the accession of his late Highness, he (the Rajah) inquired into the case, and directed the restoration of the village. The circumstance having been communicated by the Resident to the Government, the Resident was directed "to communicate to His Highness the Raja of Sattara the satisfaction of Government at His Highness having restored the village of Helgaum to Wiswanath Nilkunt Kattray, its rightful owner."

No. 325, 20 February, 1840.

Another similar case having been reported to Government, the Resident was informed "that the Honourable the Governor in Council has derived much satisfaction in learning that His Highness the Raja of Sattara has issued orders for the discontinuance of the exaction of the sum of 180 Rupees per annum, formerly made under the orders of the ex-Raja, from Rugoonath Gopall Despanday, on account of his enam village of Monze Wuzurday, and directed that the village in question shall be restored to him, on the terms on which it was enjoyed by his ancestors."

No. 325, 20 February, 1840.

No. 352, 24 February, 1840

Another similar case having been brought before Government by a petition, representing that enams amounting to upwards of 5,000 Rupees per annum, held for many generations by the family of Bokeel, and confirmed to them by Captain Grant, had been sequestrated by the ex-Raja, and restored; after due investigation by his late Highness, the Resident was informed that the "Honourable the Governor in Council has derived satisfaction in learning the circumstance."

No. 352, 24 February, 1840.

No. 330, 20 February, 1840.

No. 330, 20 February, 1840

No. 1,931 of 15 October, 1838.

No. 47 of 8 January 1839.

No. 534 of 20 March, 1839.

The ex-Raja having stopped some wurshasuns in the Beejapoor district, which had been enjoyed for many generations, and been recognised and guaranteed by the British Government previous to the transfer of the district to the ex-Raja, as part of an exchange of territory, Government three several times repeated a positive injunction that the ex-Raja should respect the allowance, with which demand His Highness has often refused to comply.

No. 1,782, of 17 October, 1839.

No. 2,320 of 13 August, 1841.

On the accession of the late Raja (Appa Sahib) he restored the allowance, paying arrears, and the circumstance having been reported to Government, Mr. Secretary Willoughby was directed to state that Government considered the settlement effected by His Highness as "quite satisfactory;" and the case having been reported to the Court of Directors, Mr. Acting Secretary Blane was directed to communicate an extract of a despatch from the Honourable Court, express-

ing their "gratification at the claims having been satisfactorily settled by His Highness."

Para. 33, of No. 10 dated 21 April, 1841.

The Honourable Court stated, "we are glad that the claims of these petitioners, which we agree with you in considering to be just, and such as you were bound to enforce, have been fully satisfied by the present Raja of Sattara."

1839.

Foundation of a Free Hospital G. L., No. 2,029 of 9 December, 1839.

The Resident having reported the Raja's anxiety to found a hospital for the benefit of his poorer subjects, the Resident was requested "to communicate to the Raja the high satisfaction experienced by Government, on being informed of His Highness's resolution to establish an institution which is calculated to be of the greatest benefit to his subjects, more especially the poorer classes."

23 Dec., 1839.

With reference to the establishment of this institution, the Secretary in attendance on the Governor-General informed the Government of Bombay "that the circumstance has afforded great satisfaction to His Lordship."

Military Reform.

Shortly after the accession of his late Highness to the Sattara Gadee, he expressed to the Resident a wish to reform the Sebandee corps in his service by selecting from it 500 or 600 men, who were to be armed, dressed and disciplined under the superintendence of a European officer, and took occasion to mention his intention to provide for those that might remain in some other way.

No. 2,059 of 14 December.

The concurrence of Government to the proposition having been obtained, Mr. Secretary Willoughby was directed "to express the gratification of the Honourable the Governor in Council at the laudable intention of His Highness the Raja to provide in some other mode for such men as may be found unfit for service in the corps on new footing."

Public Works.

No. 1,868 of 23 Dec., 1839.

The Resident having reported His Highness's intention to undertake several very extensive works of great public utility, Government informed the Resident that they were "highly gratified to learn the laudable intention of His Highness to appropriate a portion of his revenues to works of general improvement and utility."

The completion of many of these works having been reported to Government, the Resident was informed by Mr. Chief Secretary Reid :—

"In reply, I am desired to inform you that the Honourable the Governor in Council considers this to be a highly gratifying and interesting report. His Highness the Raja of Sattara has set a noble example to the native chiefs of India, in thus appropriating a very considerable portion of his resources to works of great public utility, tending to the comfort and convenience of his subjects.

No. 1,815 of 29 May, 1843.

"I am further instructed to state that the Honourable the Governor would have felt great pleasure in addressing His Highness on this occasion, expressive of his satisfaction on receiving the above report, but that as his Excellency expects to have the pleasure of meeting His Highness shortly, he will take advantage of the opportunity of doing so in person."

Abolition of Suttee and Transit Duties; establishment [illegible] Company's [illegible] Standard [illegible] Currency.

No. 1531. 4 October, 1839.

The Resident having reported that His Highness the Raja had issued a proclamation abolishing Suttee and transit duties, and making the Company's rupee the currency of his dominion, and stating that the first of these measures was an entirely spontaneous act on His Highness's part, Mr. Acting Chief Secretary Reid was desired to observe:—

"In reply, I am desired to observe that the abolition of the inhuman rite of Suttee in the Sattara territory, where it has been hitherto so prevalent, will be hailed with satisfaction by every friend of humanity.

"It is evident that this measure has been resolved on by His Highness the Raja, from the knowledge which he possesses of the abhorrence with which the rite of Suttee is held by the British Government. As it is, however, his spontaneous act, it reflects the highest credit on him, an example which, it is hoped, will soon be followed by other native chiefs under this presidency.

"The abolition of transit duties is likewise considered by the Governor in Council very satisfactory, and it is in accordance with an article of the treaty between the British Government and the Sattara State.

"The introduction of the Company's currency in the Sattara territory is also considered a satisfactory proof of the Raja's desire to co-operate in the views of the British Government."

Dated Simla, 24 October.

The correspondence having been forwarded to the Government of India, Mr. Secretary Maddock stated in reply, that "the circumstance had afforded much satisfaction to his Lordship."

1840.

Travellers' Bungalows.

No. 685, 27 February, 1840, General Department.

The bad state of roads between Sattara and Belgaum having been brought to the notice of Government, they directed the Resident to inquire how far His Highness was willing to co-operate in the improvement of that portion of the line which lay within his own territory. In reply the Raja undertook to erect travellers' bunglows at the three villages of Dewar, Sap, and Kurregaum, on the road to Belgaum, *viâ* Tasgaum; and Government directed the Resident to "express to His Highness the gratification of Government at the ready manner in which His Highness has intimated his willingness to co-operate in the measure of affording accommodation for travellers along the line of road from Poonah to Belgaum."

Suppression of an Insurrection.

No. 18 of 21 April, para. 2.

On the subject of the proceedings adopted by his late Highness, with the view of dispersing a band which had assembled for the purpose of disturbing the peace of the Sattara territory, the Resident was directed "to communicate to His Highness the satisfaction with which the honourable the Governor views the proceedings he has adopted."

No. 906 of 5 June, para. 3.

And subsequently, on the complete dispersion of the band Mr. Secretary Reid was directed to state, that "the energy and activity displayed by the Sattara Government in suppressing the band, and in apprehending so many of the parties concerned, is highly satisfactory to this Government, and it has every confidence that the leaders still at large will soon be apprehended."

Redress of Grievances.

The ex-Raja of Sattara having unjustly sequestrated certain villages and rights enjoyed by Gunga Baee Duffley, of Juth, she appealed to Government for their restitution, and although the Resident interfered on her behalf, no redress was granted.

On the accession of his late Highness, however, the villages and rights alluded to were directed by him to be restored to Gungabaee, and to be continued to her as enjoyed from former times.

G. L. No. 434 of March, 1840

The Government, on being informed of the circumstance, stated, "that the Honourable the Governor in Council has derived much satisfaction in learning that His Highness the Raja of Sattara has restored to Gungabaee Duffley the villages and rights of which she had been deprived by the order of the ex-Raja."

1841.

Abolition of Slavery.

G.L. No. 2493, 4 September, 1841.

His Highness having issued a proclamation, declaring the buying or selling of slaves in his country to be illegal from the 16th August, 1841, the Resident was directed "to communicate to the Raja the great satisfaction of Government at this proof of his co-operation in so good and humane a cause."

G. L. No. 2926, 21 October, 1841.
No. 2,613, 29 Sep., 1841.

This circumstance having been reported to the Government of India, Mr. Secretary Maddock was directed "in reply to observe, that it is very gratifying to the Governor-General in Council to find the present Raja of Sattara enforcing those principles of Government which display liberality of sentiments and general philanthropy.

Public Works. Mr. Secretary Willoughby's letter No. 947 of 6 April, 1841.

Two field pieces, 6-pounders, were presented to His Highness "as a mark of the approbation of Government for the highly useful and praiseworthy works now under construction at Sattara, which are equally beneficial to the British territory and to his own."

Mr. Sec. Maddock, No. 464 of 26 April, 1841.

This step and the arrangements connected with it met with the "approval of the Right honourable the Governor-General of India in Council."

Dated 5 July, 1841.

The guns were forwarded, with a letter from the Governor, stating, "I have the pleasure to inform your Highness that Government have sent two guns, with carriages and limbers complete, for the purpose of being presented to your Highness; and I beg your acceptance of them as a mark of the favour and friendship of the British Government, and of its general approval of the mode in which your Highness is represented to conduct the administration of your country."

General Administration. No. 2,331 of 14 August, 1841.

In reply to the Resident's first annual report on the State of the Sattara territory, Mr. Secretary Blane was desired to inform him "that the Governor in Council considered it highly satisfactory," "and that the improvements effected through the liberal policy of His Highness in the Sattara territory, and the ameliorated condition of the people, from the improved circumstances of the country form a great consolation for the measures which the Government was compelled to adopt towards his predecessor."

No. 2,564 of 20 Sept., 1841.

The report having been communicated to the Governor-General in Council, Mr. Secretary Maddock was directed to state, that "the Governor-General in Council fully concurs in the opinion expressed by the Bombay Government, and that his Lordship would have much pleasure in drawing the particular attention of the home authorities to the amelioration which has been produced in the condition of that country since the accession of the present Raja.

No. 57, of 14 October, 1841. Paras. 47 and 50 of Hon. Court's Despatch, 18 January, 1843.

This was done in a special despatch; and in reply the Court stated that they considered the report "extremely favourable," and noticed with approbation the measures of abolition of Suttee, transit duties and slavery, the introduction of Company's Rupees, the reform of various public departments, and introduction of greater regularity in the administration of justice, the reduction of expenditure, the commencement of many works of public utility, and observed that "the subsequent conduct of the Raja had been governed by the same desire to meet the approbation of the British Government."

No. 2,162 of 12 Sept., 1843.

In forwarding the extract from this despatch, Mr. Chief Secretary Reid instructed the Resident "to inform His Highness that this Government has derived the highest satisfaction in learning that His Highness's enlightened policy is so fully appreciated by the Honourable Court.

Redress of Grievances.

G. L. No. 1,425 of 26 May, 1845.

The Resident having reported to Government the result of his labours in respect to the release of the Juth Jageer, which has been brought to a close after much trouble and difficulty, Mr. Secretary Willoughby, in the course of his remarks on the subject, stated that "the Honourable the Governor in Council is therefore pleased, in so far as concerns this Government, to approve and confirm the arrangements reported by you. All the subsidiary arrangements proposed by you are also approved of by Government."

With reference to the foregoing, the Resident reported to Government the due restoration to the Duffley Byee of the Jagheer, the adoption by her of a son, and the restoration by the Byee to Ram Rao Duffley of the six villages belonging to him, thus satisfactorily setting at rest this long-pending dispute.

G. L. No. 2,623 of 18 Sept., 1841.

In reply, Mr. Chief Secretary Willoughby stated "that the Honourable the Governor in Council is gratified to learn from your present communication the final and satisfactory adjustment of the claims regarding this Jahageer."

Kolapoor Insurrection.

His Highness the late Raja having intimated to the Resident his intention of directing his troops to continue at Kolapoor until the agitation caused throughout the country by the insurrection had been completely set at rest, the Government were pleased to inform the Resident that the Honourable the Governor in Council "considers the precautionary measures adopted by His Highness the Raja of Sattara to be highly satisfactory."

No. 1,738 of 25 June, 1841.

Redress of Grievances.

The late Punt Pritty Niddy having rendered himself obnoxious to the ex-Raja owing to causes enumerated in his memorandum to the British Government, dated 1st December, 1837, the latter resumed certain grants belonging to that chief, and subjected him otherwise to much annoyance, by undue interference in the management of his concerns.

Shortly after the accession of his late Highness to the throne, at the instance of the Resident, all the points complained of by the Pritty Niddy were satisfactorily adjusted.

No. 2,323, 13 August, 1841.

Hon. Court's Despatch No. 10, 21 April.

In acknowledging the receipt of the Resident's report on this subject, Mr. Acting Chief Secretary Reid was directed to state, "that the Governor in Council deems the settlement of these long pending disputes to be highly satisfactory;" and the Honourable Court states, "we are glad to learn that all the grievances of this respectable chief have been redressed by the present Raja."

Redress of Grievances.

On the death of Sukoowar Baee jageerdar of Eetey, in the Sattara territory, the ex-Raja seized upon her personal property, and certain money payments due to her estate, belonging strictly to the chief of Veeshalgur, the adopted son of the deceased.

G. L. 2,322 of 13 Augu, 1841.

His late Highness having, shortly after his accession, settled with the Veeshalgur chief for the money payment due to him on account of the six villages belonging to the Sattara Government, the Honourable Court expressed themselves as follows on the subject: "the claim of the same chief to certain money payments, amounting to 270 rupees, from six villages in the estate, was established, and has, we are glad to learn, been satisfied by the present Raja of Sattara."

G. L. No. 3,991,31 Dec., 1844.

On a subsequent occasion His Highness the late Raja refunded to the Pritty Niddy of Weeshalgur the amount of the personal property of the late Sukoowar Baee of Eetey, amounting to 17,289 Rupees, which the ex-Raja had seized upon, by instalments of 3,000 Rupees per annum, an arrangement which met with the approval of the Honourable the Governor in Council.

G.L.No. 3,991, 31 December, 1844.

G. L. No. 2,836 of 16October, 1841.

An exchange of certain umuls, which had been the occasion of much dispute, having effected between his late Highness and the Punt Sucheo, the Resident communicated the circumstance to Government. In reply, the Officiating Chief Secretary to Government was instructed to state, that "in the opinion of the Honourable the Governor in Council the arrangement seems very satisfactory and likely to prove advantageous to both parties."

1842.

Military Aid.

The Resident having been instructed to communicate to His Highness the Raja the Governor-General's proclamation of the 31st. January, 1842, stating the course which the Government of India were determined to pursue to retrieve our disasters in Affghanistan, the Raja begged the Resident to place all his military means at the disposal of the British Government for service, wherever the Honourable the Governor in Council might be pleased to direct.

No. 449 of 18 March, 1842.

In reply, Mr. Secretary Willoughby was desired to express "the satisfaction of the Honourable the Governor in Council at this proof of His Highness' attachment to the British Government."

No. 142 of 30 March, 1842.

The correspondence having been forwarded to the Government of India, Mr. Secretary Maddock was instructed to state "that this proof of the Raja's devotion to the British Government is highly praiseworthy and is very gratifying to the Governor-General in Council."

General administration. No. 2,276 of 23 Sept., 1843.

In reply to the Resident's annual report for 1842, that officer was informed that his description of the internal management of the country was considered by the Governor in Council "to be very satisfactory." The testimony borne by the Resident to the zeal and activity evinced by His Highness in the general management of the affairs of his State was "highly gratifying, and reflects great credit upon His Highness," the mildness of whose administration was in particular favourably noticed. The Resident's account of the progress made in works of public utility which His Highness had so generally undertaken was considered by Government, "very satisfactory;" and the Resident was desired to communicate to His Highness "the high satisfaction of Government with the public spirit he has evinced in the prosecution of these works."

Para. 8.

"The general results reported in the last paragraph of your report are, I am directed to state, highly gratifying, and the amelioration which has been made in the condition of the subjects of the Sattara Government, and the general improvement which has taken place in the circumstances of that country under the enlightened administration of the present Raja, aided by your judicious advice, diminish in a great degree the regret of the Governor in Council on account of the measures which the Government of Sir James Carnac was compelled to adopt towards His Highness's predecessor."

Compliance with the wishes of the British Government.

Maharaja Junkojee Scindia having, in the year 1833, urgently solicited the Government of India to obtain for his uncle Krustnarao Kuddum, *alias* Mama Saheb, the village of Sap, in the Sattara territory, in exchange for which a village on the British frontier was offered, with the view of accommodating His Highness, the Government of Bombay was requested to use their interest with His Highness the (ex)-Raja of Sattara in the matter. In accordance therewith, the proposition having been made to His Highness, it was negatived on the plea of the litigious disposition of the party on whose behalf the application had been made.

No. 425, 8 March, 1839.

An attempt to review the negotiation was subsequently made (in 1838) by the Resident at Gwalior, but owing to the position of our relations with the Sattara State at the time, the Government considered it unadvisable to revive the question.

In 1840, however, His Highness having succeeded in the interim, the application was for the third time made, through the Governor-General, for the village in question, when the Resident having communicated it to his late Highness, it was readily acceded to, and ultimately (in 1842) the village of Sap was formally made over to an accredited agent of the Mama Saheb.

No. 2,655 of 14 Sept., 1842.

On this occasion Mr. Chief Secretary Reid was directed to convey to the Raja of Sattara an expression of "the deep sense which his Excellency in Council entertains of His Highness's cordial co-operation in the views of the British Government in respect to the transfer."

1844.

General Administration. No. 838, 15 March, 1844.

In reply to the annual report for 1843, the Resident was informed that, "the information of the continued prosperity of the Sattara State was very satisfactory." Government noticed that the Resident bore "the most gratifying testimony to the zeal and activity which His Highness the Raja conti-

nues to evince in the general management of the affairs of his State." The results of the management of His Highness's hospital were considered to "afford a gratifying proof that the valuable boon which His Highness has conferred upon the inhabitants of the Sattara district by the establishment of this hospital is fully appreciated by all classes of His Highness's subjects."

"Adverting to the 24th and 25th paragraphs, I am desired to request that you will inform His Highness the Raja of Sattara that the British Government views with the highest gratification the good example which His Highness continues to give to other princes in India by his mild and enlightened administration, by the anxiety which he evinces for the welfare of his subjects, and the deep interest which he takes in the improvement of his country by liberally bestowing so considerable a portion of his revenues to the construction of works of great national importance; while His Highness should at the same time he informed that Government will have much satisfaction in drawing the attention of the home authorities to the amelioration which has taken place in the condition of the subjects of the Sattara State since His Highness's accession to the gadee, and the improvement which has been made in the general circumstances of that country under His Highness's enlightened rule."

"I am further directed to observe, that the total extinction of slavery, and the suppression of suttee throughout the Sattara territory, is highly gratifying; and it is in the highest degree satisfactory to find that the prohibition against both of these practices promulgated by His Highness, in September, 1839, has proved completely effectual."

These proceedings having been reported to the Honourable Court, were considered "as being of a highly satisfactory character." They noticed his adherence "to the laudable practice of confining his ordinary expenses so far within his income as to leave a large surplus applicable to works of public utility."

Those works reported by Colonel Ovans were considered to "reflect great honour on His Highness's administration;" and other measures were noticed with approbation.

The Resident at Sattara having paid a visit to the ancient city of Beejapor, while on a tour through the eastern districts of the Sattara State, in January and February, 1844, the Mahomedan inhabitants were very urgent in entreating him to take steps towards preventing the further desecration of the principal buildings at that place, by travellers putting up in them, as well as to make a small outlay for their repairs. The Resident drew the attention of His Highness to the subject, when the Mamlutdar of Beejapoor who happened to have been present at the time the communication was made, was immediately directed by His Highness in person to cause the necessary repairs to be made to the buildings indicated, and to provide a separate place for the accommodation of European and other travellers, contiguous to the Goornuz of Sooltan Mahomed, called the Nugarkhana. Measures were at the same time adopted by His Highness for securing the services of a Portuguese medical practitioner residing at Beejapoor, at 15 Rupees per mensem, to vaccinate the children there, vast numbers of whom used to fall a sacrifice to the small-pox; medicines and vaccine matter being supplied to Mr. Mendos, gratis, from His Highness's hospital.

G. L. No. 2837 of 12 Sept., 1844.

These circumstances having been reported to Government, Mr. Chief Secretary Willoughby was directed to state as follows: In reply, I am desired to inform you that the Honourable the Governor in Council entirely approves of your proceedings; and to request that you will be pleased to

communicate to His Highness the satisfaction of Government at observing that he has adopted measures for preserving these buildings, and his humanity in appointing a subordinate medical officer to remain at Beejapoor, for the benefit of its inhabitants."

Arrest of offenders. G. L. No. 1328 of 16, Nov., 1844.

In acknowledging the receipt of the Resident's letter, reporting the seizure of Luximon Crushna Josee, in the Furidurpoor district, Mr. Chief Secretary Willoughby stated, "I am desired to inform you that this information is satisfactory, and to request that you will be pleased to convey to His Highness the Raja the acknowledgments of the Honourable the Governor in Council for having caused that individual to be apprehended."

Kolapoor Insurrection. G. L., No. 860 of 9 October, 1844.

Consequent on a representation made by the Political Agent in the Southern Mahratta country relative to the refractory conduct of the Gudkurrees of the forts of Sawunghur and Bhudurghur, his late Highness having issued orders for despatching a body of sowars and seebundees to the borders of the Sattara territory, with instructions to apprehend any turbulent adventurers or seditious persons who may either enter the Sattara territory or proceed from it towards Kolapoor, Government were pleased to state, "that this precautionary measure appears to the Honourable the Governor in Council to be very proper."

Kolapoor Insurrection. G. L. No. 877,10 October, 1844.

On the receipt of intelligence from the Resident of the dâk communication between Sattara and Belgaum having been interrupted, of the insurrectionary state of the Kolapoor State, and of the chief minister having been wounded and placed under restraint, together with the proceedings adopted in consequence thereof, Mr. Chief Secretary Willoughby, in paragraph 3 of his letter in reply, requested the Resident to "communicate to His Highness the Raja of Sattara, in the strongst terms, the high satisfaction of Government with the zeal and attachment which His Highness has on the present occasion evinced towards British interests, and at the same time to inform you that a letter will hereafter be addressed by the Honourable the Governor to His Highness, expressive of these feelings."

Kolapoor Insurrection. G. L., No. 907, 13 October, 1844.

His Highness the late Raja having placed 100 of his best cavalry at the disposal of the Resident, consequent on a requisition from Lieutenant-Colonel Brough, Mr. Chief Secretary Willoughby was requested to state, "that another letter will immediately be addressed by the Honourable the Governor to His Highness the Raja of Sattara, expressive of the high satisfaction which Government has derived from the further proofs His Highness has evinced of his zeal and attachment towards British interests by the readiness with which he has co-operated with you in facilitating the measures in progress for restoring tranquillity in the disturbed districts, and at the same time inform His Highness that Government will have much satisfaction in bringing His Highness's praiseworthy conduct to the notice of the Right Honourable the Governor-General of India in Council, and of the Honourable the Court of Directors."

Kolapoor Insurrection G. L., No. 922, 14 October, 1844.

The arrangement made for the transit of the mails for Belgaum, they having been detained at Kurwar, were approved of by the Honourable the Governor in Council, and a request at the same time conveyed "to cause every precaution to be adopted to ensure the safe transit of the dâk through the Sattara territory."

Kolapoor Insurrection.

In consequence of His Highness having directed a further detachment of 100 of his best cavalry, and two companies of infantry, to be held in readiness to accompany the squadron of dragoons and Her Majesty's 22nd Foot, under orders to proceed to Sattara, Mr. Chief Secretary Willoughby was further required to request the Resident "to communicate to His Highness the Raja of Sattara the renewed satisfaction of Government at this further proof of His Highness's desire to co-operate with the British Government in suppressing the disturbances in the Southern Mahratta country."

Kolapoor Insurrection. No. 150 of 12 December, 1844.

On the fort of Weeshalghur surrendering, Major Boyd, who was detached to receive charge of it, in a letter to Major-General Delamotte, pays the following compliment to His Highness the Raja's officers: "I beg to bring to the Major-General's notice that the guards for the protection of the fort were most admirably arranged by the Raja of Sattara's rissaldars, and the Karbharees have expressed to me their gratitude for the kind treatment they have received from these officers."

1845.

Kolapoor Insurrection.

The Resident in his annual report for the year 1844, enclosed a letter from Lieutenant-Colonel Brough commanding second Brigade Kolapoor force, expressing the high sense he entertained of the exemplary manner in which the troops of His Highness, both cavalry and infantry, at all times while under his command on field service in Kolapoor had carried on their duties.

In commenting on this annual report, the Court of Directors noticed with approbation the progress made by His Highness in the construction of public works; and they instructed the Government of Bombay, "you will inform the Raja of the satisfaction with which we have learned his cordial co-operation in furnishing a timely supply of baggage cattle for the use of our army, in keeping open the dâk communications, and in supplying a quota of regular infantry and irregular horse to act in concert with our troops, in quelling the insurrection in the Kolapoor state.

Despatch, No. 28,10 Dec., 1845, para. 4.

Kolapoor Insurrection.

In connexion with the subject of remunerating Lieutenant Schneider for the charge of the detachment of troops belonging to His Highness the Raja while under his command in the Southern Mahratta country, Government were pleased "to state that the exemplary manner in which the troops of His Highness the Raja of Sattara have conducted themselves in the Southern Mahratta country is highly satisfactory." The Honourable the Governor in Council requests that you "will be pleased to inform His Highness that this Government has derived much satisfaction from receiving this report."

On the return of the detachment of troops furnished by His Highness the Raja of Sattara from Kolapoor, in a letter to the Resident, Mr. Chief Secretary Willoughby was instructed to state to His Highness "the high satisfaction of the Honourable the Governor in Council with the exemplary conduct of this detachment of his troops while serving in the Southern Mahratta country during the recent disturbances."

Apprehension of notorious offenders.

On the announcement to Government of the apprehension of the notorious rebel, Soobana Nikum, and two of his companions, of his late Highness's officers, Mr. Secretary Townsend was instructed to state, for the information

of the Raja of Sattara. "The Governor in Council is of opinion that great credit is due to His Highness the Raja for the prompt measures he adopted to effect the apprehension of this outlaw, on receiving information that he had entered the Sattara territory. You are accordingly requested to communicate to His Highness the satisfaction with which Government has received this intelligence."

G. L., No. 3277 of 8 July, 1845.

1846.

In reply to Colonel Outram's report for the year 1845, Government observed that "the information he had submitted was highly satisfactory, and reflects great credit on His Highness for the efficient manner in which he conducts the administration of his State, and directed that the Resident should make an intimation to this effect to His Highness."

General Administration. No. 864, 3d.

His Highness having been instrumental in dissuading the wife of Raojee Wakneeus from becoming suttee on the death of her husband, Mr. Secretary Malet was instructed "to inform His Highness the Raja of Sattara of the gratification of the Honourable the Governor in Council with his successful interference to prevent the widow of the late Rowjee Waknees becoming suttee."

Prevention of Suttee. No. 2,960 of 10 July, 1846.

The Resident having submitted to Government a yad from His Highness the Raja of Sattara, expressing a wish to comply with the request of the Punt Prittyniddy to be allowed to adopt a son, Mr. Secretary Malet was instructed to state in reply, "that the Governor in Council has the gratification of permitting His Highness to carry into effect his liberal intentions towards the Pritty Niddy, who is the representative of a very ancient family, and bears personally a very high character."

No. 2,816 of 17 July, 1846.

On the subject of the liquidation of the amount (1,00,000 rupees) advanced to the ex-Raja from the treasury "at Benares, Mr. Secretary Malet stated, I am at the same time instructed to request that you will be pleased to inform the Raja that the ready assent given by him to the wishes of the Honourable Court in this instance is very creditable to him."

G. L; No. 4621 of 10 Dec., 1846.

In reply to the Resident's annual report for 1846, Government observed, "The testimony borne by you to the efficient and mild rule which is exercised by His Highness the Raja over his subjects reflects the highest honor upon His Highness, and I am desired to enclose, for delivery to that prince, a letter from the Honourable the Governor, conveying the expression of the extreme satisfaction of Government with his conduct, and informing him that it will have high gratification in being able to submit so satisfactory a report to the Honourable the Court of Directors."

General Administration. No. 1,521 of 24 April, 1847.

"The interest which the Raja continues to evince in the school and hospital at Sattara is very creditable to His Highness, and the Governor in Council observes with satisfaction that the prejudice against vaccination is rapidly decreasing in the Sattara State."

In commenting on the report for the previous year the Court of Directors observe, that "it is highly creditable to the Raja's administration." And in commenting on the report for 1846, the Honourable Court observe that "it is in almost every respect extremely favourable."

Hon. Courts Despatch, No. 1 of 27 Jan., 1847. No. 20 of 18 August, 1847.

1848.

General Administration.

No. 1,562 of 13 April, 1848.

In adverting to the Resident's annual report for 1847, Mr. Chief Secretary Malet observes that "the Governor in Council has the highest gratification in recording his opinion, founded not only on your present report, but on his own personal observations and inquiries in the Sattara territory, that His Highness the Raja was a good and philanthropic ruler, and deserved all consideration from the dominant power in India.

And in noticing the death of His Highness, "I am further desired to state that the Governor in Council deeply regrets that His Highness has not survived to reap the fruits of the many praiseworthy and benevolent acts of his energetic administration, and to hear the sentiments of respect which this Government entertained for his worth.".

(True extracts.)

(Signed) H. B. E. FRERE,
Resident at Sattara.

Parliamentary Papers, Sattara Raj, pp. 41—43.

e. The following is the copy of a lettter addressed upon this subject to the Government of Bombay by the Honourable Sir Bartle Frere, the then Resident at Sattara, No. 55, dated 27th May, 1848.

(Extract No. 274.)

No. 3, dated 9 May, and two Enclosures.

I have the honour to forward a copy of a memorandum from the elder widow of His Highness the late Raja of Sattara, enclosing two statements which she wishes to submit to Government, as illustrative of the character of her late husband's administration.

Accompanied No. 2.

2. The first statement is a list of the cases in which His Highness received any expression of the approbation of Government.

3. Of all memoranda containing expressions of this kind His Highness was naturally very proud; and he was in the habit of sending copies to the public records, preserving the originals in a private repository with the sunnuds of the emperors of Delhi, the treaties with the British Government, and the other archives of his family to which he attached peculiar value.

4. The enclosure to the Ranee's memoranda is an abstract of such of these memoranda as communicated to the Raja the approbation of the British Government. As they were all translated from English letters to the address of the Resident, I have, in place of retranslating the Mahratta into English, drawn up an abstract from the English correspondence referred to, quoting at length from the original the expressions of approbation, which had in each case been translated as literally as possible in the yad from the Resident communicating to His Highness the decision of the British Government.

5. The following is a brief summary of the documents referred to.

6. Sixty-two memoranda from the Resident are quoted in the enclosure to the Ranee's memorandum. Of these, the correspondence referred to in four has been omitted in the abstract, as the communication made to His Highness was in each of

these cases merely the sanction of Government to a particular measure, and not, strictly speaking, an expression of commendation.

7. Of the remaining 58 memoranda, 55 conveyed an expression of special approbation and satisfaction from the Government of Bombay, six from the Government of India, and seven from the Honourable Court of Directors.

8. The subjects of approval in these memoranda were as follows:—

9. The grant of redress by his late Highness in cases in which it had been refused by his predecessor the ex-Raja.	12	memoranda.
Abolition of suttee, of slavery, and transit duties, and introduction of the Company's rupee as the standard currency of his dominions ..	5	ditto.
Establishment of a free hospital and dispensary for pauper sick, and arrangements for promoting vaccination, and giving medical aid to his subjects	3	ditto.
Execution of valuable public works, such as making roads, bridges, aqueducts, &c.	5	ditto.
Reform of his troops	1	ditto.
Assitance given during the campaign in the Kolapoor country, and offer to place his military resources at the disposal of the British Government during the period of the disasters in Affghanistan..	10	ditto.
Suppression of insurrectionary movements, and arrest of notorious offenders	5	ditto.
General good management of His Highness's dominions, including commendation of his proceeding in several of the above specified particulars	12	ditto.
Miscellaneous, including instances in which His Highness had met the wishes of the British Government with regard to exchanges of territory, &c. (negatived by his predecessor)	5	ditto.
Total..	58	

Making a Total of 58 communications expressive of the approbation of Government received during a reign of 8½ years.

10. For further particulars of the subjects of commendation of His Highness's administration, I would beg to refer to the enclosures: the following are some of the most prominent.

Vide Resident's reports to Government, of 10 February, 17 March, and 23 March, 1838.

11. Suttee had become very common during the latter years of his predecessor's administration; British subjects had been allowed to come to Sattara for the purpose of performing the rite. The strong remonstrances of the Resident were in vain, and the sacrifices, three of which were reported in two months, usually took place at night, so as to render it, as reported by the Resident, "impossible to say what means may have been resorted to."

12. On his accession, the late Raja entirely, as was reported, of his own accord abolished suttee by proclamation, and personally and effectually interfered at a later period to dissuade a woman who was anxious to immolate herself.

13. He was informed by the Resident that the Government of Bombay declared "that the measure would be hailed with satisfaction by every friend of humanity;" that "his spontaneous act reflected the highest credit on him and afforded an example which it was hoped would be followed by other native chiefs under this presidency."

14. The establishment of a free hospital elicited strong expressions of the approbation of the Government of Bombay, the Governor-General and the Court of Directors; and the efficiency with which it has been kept up and its operations extended has been since repeatedly noticed as worthy of high commendation.

15. On His Highness's offering to place his military resources at the disposal of the British Government after hearing of the Cabool disasters, he was informed "that this proof of his devotion to the British Government is highly praiseworthy, and very gratifying to the Governor-General in Council."

16. The comments of the Government of Bombay, the Governor-General, and the Honourable Court of Directors on the general good management of His Highness's country, the admirable state of the police, and the mildness of his rule, have been uniformly of the most flattering description, and, even in a condensed form occupy a large space in the annexed abstract.

17. The perfect peace and order maintained by His Highness in his own territory at a period when the neighbouring Zillahs were disturbed, and Kolapoor in open rebellion, as well as the effectual aid he gave in putting down that insurrection, and in arresting the leaders of it whenever they took refuge in his territory, called forth frequent strong expressions of praise. On the measures taken by His Highness at the commencement of the Kolapoor insurrection being reported, the Resident was directed "to communicate to His Highness in the strongest terms the high satisfaction of Government with the zeal and attachment which His Highness has on the present occasion evinced towards the British interests;" and similar expressions of approbation at the assistance given in furnishing detachments of His Highness's troops, in keeping open the communication, and in forwarding supplies, were constantly repeated, till the Kolapoor and Sawunt Waree country was effectually pacified, and the field forces withdrawn.

18. In his public works, such as aqueducts, bridges, and roads, His Highness was told by the Government of Bombay he had set "a noble example to the native chiefs of India," and he was subsequently informed that the Honourable Court of Directors considered that these works "reflected great honour on his administration." A pair of field pieces were presented to him by Government, with the concurrence of the Governor-General, as a mark of the general approbation of Government at the mode in which he had conducted the administration, but especially of his liberality with regard to useful public works. The guns were forwarded with a letter to the Raja from the Government of Bombay expressive of these sentiments.

19. The second enclosure to the memorandum of His Highness's widow is a statement of sums expended by His Highness during his reign on these works of public utility. The following is an abstract statement of the mode in which the money has been expended:

Bridges, including two very large ones on the Poona road, over the rivers Crishna and Yenna	1,97,727
Roads	11,690
Aqueducts and tanks in the city of Sattara and elsewhere, for supplying water, &c.	1,96,865
Free hospital	6,000
Palace (durbar room unfinished) and building for His Highness's own use.	5,75,867
Barracks for His Highness's regular regiment, and stables for the drilled rissalla of horse, parade bunglow, and other military buildings.	74,486
Travellers' bunglows for European travellers	9,000
Temples	5,661
Totel.	10,77,296

20 Among these, the two bridges over the Yenna and Chrisna are the handsomest stone bridges in the Deccan, and I believe I may say on this side of India. The aqueduct is the finest work of its kind I know of built of late years. Of the durbar room the same may be said; and the other buildings are all excellent of their kind.

Parliamentary Papers, Sattara Raj, p. 53.

f. I beg leave to subjoin the copy of a Minute by the Right honourable Viscount Falkland, Governor of Bombay, dated 10th June, 1848, illustrative of the excellent administration and admirable character of my late lamented husband.

(*Extract No.* 275.)

This is a gratifying communication from the widow of the deceased prince. A copy may be sent to the Government of India and the Honourable the Court of Directors; I think also that a reply should be sent from this Government, acknowledging the receipt of the letter, and speaking in handsome and respectful terms of the late Raja.

(Signed) FALKLAND.

Parliamentary Papers, Sattara Raj, p. 54.

g. When this question was considered by the Government of Bombay, the Honourable Mr. Willoughby recorded his opinion on the 14th of June 1848, and is as follows :—

(*Extract No.* 276.)

Minute by the Honourable Mr. Willoughby, dated 14 June, 1848. There can be no doubt of the excellency of the late Raja's administration. * * * * * * I concur in the communication to the families proposed by the Right honourable the Governor.

(Signed) J. P. WILLOUGHBY.

Parliamentary Papers, Sattara Raj, p. 55.

h. Lastly, I beg to add the translation of a *letter addressed to me by the Right honourable Viscount Falkland, the Governor of Bombay, in the Persian Department, No. 2640, 26th June, 1848.

(*Extract No.* 277.)

Persian Department.

Govt. Resolution, Polit. Department, No. 2,640 of 1848.

Translation of a Letter from the Right honourable Lucius Bentinck Viscount Falkland, Governor of Bombay, to her Highness *Sugoonah Baee Saheb*, Elder Widow of His Highness the late Raja of Sattara; dated 26 June, 1848. (A. C.)

Further, Mr. Frere, the Resident, has duly submitted to this Government the communication which your Highness addressed to him. This communication has been a source of extreme gratification to me, as its contents were illustrative of the excellent administration and admirable character of my much respected friend His Highness Shahajee Maharaj, the late Raja of Sattara.

(True copy) For the rest &c.
(Signed) A. MALET,
Chief Secretary to Government.

i. I think I should not omit here the views upon this subject of the Hon'ble Mr. L. Reid, the benevolent gentleman who moved the annexation of our sovereignty—

(*Extract No.* 278.)

* Par. Pa., Sattara Raj. p. 66.

12. *Whether it is expedient in this case to admit the adoption and succession to the Sattara musnud, is a question for the decision of the highest authorities. In favour of this course are the policy of conciliating the population of what formed the Mahratta empire; the advantage of having a perfectly friendly and dependent State in the heart of our districts, whose power and influence can be made use of by us in the maintenance of internal tranquillity, and probably a conviction that, under the mild and excellent Government of the late Raja, his country flourished in a degree with which our neighbouring districts cannot well sustain a comparison.

15. I believe it will be universally admitted, that the manner in which both their Highnesses, Prutap Sing and Shahjee administered the internal affairs of the Sattara State, was such as to hold them up as models to all Indian princes.

89. The Hon'ble East India Company did not enter into treaties with us alone, but executed in all more than 250 of them with the Native Princes and Chiefs of India. Now many of them, whose treaties are not so exact in terms and forcible as ours, adopted, as occasion arose, heirs who were recognized as their successors by such statesmen as Lord Auckland, Lord W. Bentinck, Lord Amherst and Lord Metcalfe, all of whom ruled in accordance with the letter and spirit of those treaties showing that the East India Company could not interfere with the right of the Native Princes and Chiefs to adopt. If this is so, and if it is a fact that the treaties concluded with us are of much more binding terms than others, how inconsistent and unjust it is that while those who were mere feudatories of the East

India Company, really dependants and paid them *nuzeranas* and tribute, had their adopted heirs recognized as successors, and yet the adoption by me was set aside? Some of those princes adopted during their lives; in the case of others the adoption was made by their mothers and Ranees. In one case, at least, the princely family was extinct, and the people and the Durbarees (Courtiers) elected a prince to the *gudi*. All this the Hon'ble Company approved and ratified; but in my case in the face of distinct treaties, in spite of the independence of our sovereignty, I was deprived of it on the shallowest and flimsiest excuses by the same Hon'ble Company. H. H. Holkar and the princes of Datteea, Kotah, Odepore, Doongerpore, adopted heirs; their Highnesses Scindia and Holker adopted the second time. In the case of Dhar, Kisanghar, and Keroulee the mothers and *Ranees* of the princes made the adoption after their death. As for the State of Banswarra the ruler for it was elected by the people and the dependants of the late Raja after the extinction of the dynasty. Now I beg leave to compare the Treaty entered into with us by the Company with those entered into with several of the princes just named, appending the opinions of British statesmen thereon in their proper places.

a. When the Hon'ble the Court of Directors considered the question of continuing the sovereignty of Sattara in our family, it was argued by some that it would be establishing an awkward precedent to continue the sovereignty to an adopted heir. In deference to this great mistake or pretence our sovereignty was condemned to lapse to the British Government for want of an heir begotten. But, as just shown in preceding paragraphs, during the time from 1818 to 1849, no less than 17 cases of adoption were allowed to the princes and chiefs of India—— including the Scindia and Holkar, princedoms inferior in rank and subordinate to ours—— as will appear to your Majesty from the following declaration of Lord Amherst:—

(*Extract No.* 279.)

* Par. Pa. p. 5 † Par. Pa. p. 5. ‖ P. 9. ‡ Par. Pa. p. 9.

* "Nothing could be farther from the wish and intention of the British "Government than to exercise, now and hereafter, any intervention in the "internal administration of his (Scindia's)† country—that it did not pre- "tend to any right to control or regulate the succession to the state of "Gwalior—that its sole motive in offering advice on the subject was the "interest which it took in the maintenance of the general tranquillity"‖— "that Scindiah,‡ as the absolute and despotic ruler of the country, must be considered to possess the undoubted right of determining the succession,"—and that it was prepared to recognize any selection that might be "made by the general voice, or by a "majority of the chiefs and principal persons of the country, according to the usage, whether "the letter of the written law was adhered to or not."

It is extremely gratifying to me to find that Scindia's adoption was recognized, because he, the Gwalior prince of that day, was a despotic and absolute ruler. It redounds to the ancestral pride of our own house to see any of our *Sirdars* raised to such high dignity by the British Government. That the Scindia house has always treated with us as dependants of ours will be seen from the letter signed by Mahadji Scindia himself and dated 6 September, 1777. (*Vide* Extract No. 263.)

b. I now turn to the Kotah adoption. The Raja of Kotah forwarded a *Khureeta* in 1825, to the British Government praying for the recognition of the adoption which he had effected in 1821.* Before its ratification an enquiry was instituted to ascertain whether the adoption was made according to the law and usage of the country; and next the question arose whether the British Government should sanction the succession of the adopted heir or of the late Raja's brother†. The question was referred to the Pundits who gave their opinion that—

* Par. Pa. pp. 155-157.

† Par. Pa. p. 161.

(*Extract No.* 280.)

* Par. Pa. Kotah succession. p.161

* The Prince of Kotah must be considered to possess the right, in common with all other Hindoos, of adopting a son and *successor* in conformity with the rules of the Shasters, unless precedent and state usage can be pleaded which distinctly bar the exercise of that right in the instance under consideration.

From this opinion of the Pundits which was acted upon by the Government of India, it is beyond the shadow of a doubt that the Princes and Chiefs of India have a perfect right of adoption and their adopted heirs are entitled to inherit their sovereignties as well as private property. And yet in our case the adopted heir is pronounced (but not by any Pundits) to be entitled to succeed only to the private property of the late Maharaj.

The Pundits in the case of Gwalior gave opinion* that the adoption was in accordance with the Hindu Law. After which the British Government informed† the Raja of Kotah, in excusing the delay in recognizing the successor, that they had inquired whether the adoption was valid according to Hindu Law. Now what is more striking and noble in this affair, contrasting so sharply with the sordid and ruthless course taken with our ancient house, is that the Raja of Kotah who had adopted, fell in open battle fought by him against the British Government‡. That Government, acting worthy of its true fame and disdaining to take advantage of the revolt, recognized the rebellious Rajah's adopted heir to whom his principality was continued. Sir Charles Metcalfe even raised

* Par. Pa. p. 163.

† Par. Pa. p. 162.

‡ Par. Pa. p. 153.

the question whether as against a begotten son of the late Raja, the adoption could be set aside. By Hindu law and usage all Hindus from the highest to the lowest have a right to adopt an heir, who, in the case of a Raja, is indisputably entitled to succeed to the Raj and his private property.

Administration of Lord Bentinck.

c. I beg now to place before your Majesty the history of the Dutteeah adoption. In 1833, the Raja of Dutteeah wrote to the British Government for the recognition of a favourite youth as his heir whom he had adopted in 1830. The Political Agent at Dutteeah considered that princes of the rank and position of the State of Dutteeah have a right to adopt any one whether illegitimate or from amongst their kinsmen; and also by the treaty concluded between the Raja and the East India Company. The illegitimate youth who had been adopted was confirmed on the *gadi*. This view of the Political Agent was accepted by the British Government in 1840, when the Raja died, although the kinsmen of the late Raja had objected to his adoption. Now I humbly put it to your Majesty to consider whether after such precedents the heir regularly adopted by myself is not abundantly entitled to the *gadi*.

Par. Pa. p. 110.
Par. Pa. p. 114.

d. I come now to the history of the Dhar adoption. The Raja of this State died without leaving an heir in his own blood or by adoption; and his *Ranee* according to the usage and law of the country, adopted with the consent of the Durbarees, an heir whom the British Government recognized as the late Raja's successor.

e. In 1833 the Resident of Indore reported the death of H. H. Mulharrao Holkar to the British Government, remarking that the adoption which had been effected before his death was not even known to the Raja himself but was managed by two principal members of his family; that there was, however, nothing to question the validity of the adoption. In ratifying this adoption the British Government informed the Resident that since no one of Holkar's dominions objected to it, but that on the contrary all approved of it, the Government had recognized the act. It was added that if the adoption had been duly made according to the Hindu law, or if it interfered with any one's right or if there were any doubt that it was not effected with the consent of the majority of the Holkar's sirdars, the British Government would not take upon themselves the resposibility of recognizing the adoption as valid. Further, that it was not consistent with British policy to interfere with the internal administration of those States which were in alliance with them; nor was it the

Par. Pa. p. 46.

desire of the British Government to exercise their power in confirming an adoption which was made against the wishes of the people. If Huree Hurrao Holkar setting aside the adoption, placed himself on the *mumul*, the British Government would recognize his succession. Subsequently Huree Hur Rao, driving Martan Rao the adopted heir from the *gadi*, the British Government in 1834, recognized him as the rightful successor.

f. Next in order of time is the adoption by the Raja of Orcha who petitioned the British Government to recognize a youth as his heir whom he had adopted some time before. Lord Metcalfe, the Governor-General, (formerly the Lieut. Governor of Agra) on that occasion ruled as follows regarding the right of adoption by the Princes and Chiefs of India—

(*Extract No.* 281.)

Par. Pa. p. 141 Minute dated 28, August, 1837.

The question resolved itself into whether Chiefs and Princes, not having heirs of the body, have a right to adopt a successor to the exclusion of collateral heirs, or to the supposed reversionary rights of the paramount power; and whether the British Government is bound to acknowledge the adoption.

There is a *wide difference* in the disposal of the question between Sovereign Princes and Jageerdars,—between those in possession of hereditary Sovereignties in their own right,—and those who hold grants of land or public revenue, *by life grant from a Sovereign*, or paramount power.

Those who are Sovereign Princes in their own right, and of the Hindoo religion, have by Hindoo law a right to adopt, to the exclusion of collateral heirs, or of the supposed reversionary right of the paramount power: the "latter, in fact, in such cases having no real "existence, except in the case of absolute want of heirs; and even then, the right "was only assumed by virtue of power; for it would probably be more consistent "with right, were the people of the state so situated left to elect a sovereign for "themselves.

"In the case, therefore, of Hindoo sovereign Princes, I should say that, in failure "of heirs male of the body, they have a right to adopt, to the exclusion of collateral "heirs, and that the British Government is bound to acknowledge the adoption, pro-"vided that it be regular, and not in violation of Hindoo law."

It is clear from the above quotation that Lord Metcalfe decided that every native prince or chief had a right to adopt in default of a begotten heir. The same view was fully entertained by Lord Auckland. Thus the British Government, perfectly satisfied that there was no reason to question the validity of the Orcha adoption, recognized the heir. Now a noteworthy, and, by contrast, hopeful circumstance in connection with this adoption is that the Raja who adopted had been an accomplice of the Sirdar of Chirgaum who was at war with the British Government.

g. When the *Rawal* of Banswarra died in 1838 without an heir, either by blood or by adoption, Bahadur Sing the next of kin was elected to the *gadi* by the Sirdars of Banswarra. Soon after Bahadur Sing felt obliged to adopt and he adopted Luxmon Sing. Both the election and adoption were recognized by the British Government.

h. The history of the Kishengurgh adoption is this:—The Raja of Kishengurgh dying in 1841, without issue or making an adoption, his Ranee after his death adopted an heir to succeed to the *gadi*. The Sirdar of Futteghur objected to the adoption, claiming succession to the *gadi* of Kishenghur himself being a near kinsman of the late Raja. After investigating his claim the British Government decided in favour of the heir by adoption.

Par. Pa. p. 175.
Pa. Pa. p. 176.

i. I now place before your Majesty the circumstances of the Oodeypoor adoption:—The Rana of Oodeypoor in 1841, adopted a youth without duly apprising the British Government of the adoption. A question arose as to the validity of the adoption, especially as the late Rana had an elder brother living* whose claims, it was thought, might be prejudiced. This circumstance however only caused some delay† in the recognition of the adoption by the British Government, which accepted the adopted heir.

* Par. Pa. pp. 184-190.
†Par. Pa. p. 193.

j. The circumstances of the Doongerpore adoption may be thus narrated:—The titular Raja of this State died in 1846, without leaving issue or other lineal descendant, and a question arose as to whether the state of Dungerpore should be incorporated with Pratapgar,† the state of Dalpat Sing whom the titular Raja Jasvant Sing had adopted as his heir and successor, or if another heir should be adopted to the *gadi* of Doongerpore. The general wish of the people being in favour of a new adoption, that course was determined upon. It was also decided that should the newly adopted successor to the *gadi* of Doongerpore die during his minority, Dalput Sing should adopt another heir. Owing to the incapacity of this prince to rule and his misconduct,* he was deposed about 20 years before his death; but for all this, the British Government did not bar† his right of adoption, sanctioned by Hindu law and Custom.

†Par. Pa. p. 193.
Par. Pa. p. 202.
*Par. Pa. p. 197.
†Par. Pa. p. 197.

k. The circumstances of the Keroulee adoption are shortly these*:—Pratap Pal the Raja of Kerole died without issue in 1848, and his Ranee adopted a youth with due cere-

* Par. Pa. p. 209.

monies according to Hindu law and custom. The British Government did not at first give their sanction to the adoption as Pratap Pal was indebted to them in large sums. But as soon as all debt was paid, the British Government recognized the adoption.

l. Next follows the history of the second adoption of Gwalior. In 1826 when Lord Amherst was the Governor-General of India, he wrote to His Highness Scindia to name his successor whilst he (Scindia) was alive. His Excellency's words are quoted below:—

(*Extract No.* 282.)

Par. Pa. p. 5. That it (the British Government) did not pretend to any right to control or regulate the succession to the State of Gwalior—that its sole motive in offering advice on the subject was the interest which it took in the maintenance of the general tranquillity.

Lord Auckland concurred in this view of Lord Amherst. When in 1836, the death of Jankoji Scindia approached, and there appeared to be no heir to succeed him, the British Government informed him that if he died without an heir by blood or adoption, his Ranee had a right to make an adoption which the British Government would recognize; and that so long as the adopted youth was a minor, the Government would willingly recognize her as a regent provided the general wish† of the people was in favour of such regency. This decision of the British Government was carried out under Lord Ellenborough, the Governor-General in 1841. But the Resident at Gwalior received instructions, to the effect that he should not make known to the people the decision of the Government, and he was to conduct himself in such a manner that the British Government should not be placed under an obligation to carry it out. Here was the first seed of that unworthy selfishness and gross injustice which became so conspicuous in after years. Till then such thoughts of injustice were never harboured before by any officer of the Company. But Lord Ellenborough, after the death of Jankoji Scindia, did exercise his high-handedness in interfering with the Scindia's adoption though without success. For the Resident at Gwalior had already recognized the adopted heir before he received his instructions from the Governor-General. But the way in which the correspondence was kept by the Governor-General with Scindia as regards the recognition of the adoption was very strange and altogether unusual. The Governor-General at first invited Scindia to the Agra Durbar to receive the dress of investiture; but as Scindia declined to go, the Resident was directed to confer on him the dress of investiture, "thereby," in the words of the Governor-General himself, "affording the

†Par. pa. p. 28.

Par. Pa. p. 36.

Par. pa. p. 30.

most public proof of my confirmation of the Maharaja's adoption." Thus in the case of an adoption by a "despotic and absolute"† ruler like Scindia, the sanction of the British Government became necessary, and the Governor-General of India conceived that he was in the place of the Mogul Emperor of Delhi at whose hands such recognitions had been rejected by us as by many other Hindu princes.

† Par. Pa. p. 9.

m. I have now to turn to the second adoption of the Holkar. In 1834, Hurreeher Rao Holkar, a lineal descendant of Malharrao removing Martand Rao, the adopted son and successor of Malharráo, from the *gadi*, set himself up in his place, and in 1843, adopted Khandarao whom the British Government, recognized* as his successor. Khandarao died in 1844, without issue and without leaving a successor by adoption. The sinister pretensions which had been displayed for the first time by the East India Company in the case of Scindia's adoption, now manifested themselves still more openly and specifically. It had been formerly, as I have abundantly shown, the practice of that Company, with a view to continuing the Native States, to recognize the adoption by the reigning prince in the case of a failure of his issue or by his *ranees* after his death; or if both the prince and his *ranees* failed to adopt, to recognize the election of a successor by the people. But when Malharrao Holkar left no successor after his death, Lord William Bentinck, then the Governor-General of India wrote as follows:—

* Par. Pa. p. 79.

(*Extract* No. 283.)

Par. Pa. Holkar succession.

> We were not prepared to pronounce upon the relative superiority of these claims. The decision upon them may fairly be left to the voice of the country, and our duty will be to maintain whatever arrangement may be uneqivocally consonant to the general wish.

When the Resident of Indore wrote to Lord Auckland, the Governor-General, of the dangerous state of health of Hureeherrao Holkar, and of the necessary future interference of the British Government in appointing his successor after his death, his Lordship instructed him to adhere to the custom of Holkar's dominions in the matter of adoption. Thus Lord Auckland and Lord Bentinck never dreamt that the British Government had a right to interfere in the matter of adoption by native princes and chiefs or that their territories should escheat to that Government for the failure of an heir. We have seen that when Khandarao Holkar died without an heir, begotten or adopted, and after a great deal of discussion as to whether Martandrao should be confirmed on the *gadi*, the British Government appointed and recognized a distant heir as his successor who was installed under the name of Jaswantrao Holkar.

90. The Hon'ble East India Company maintained its friendship with Native Princes and Chiefs and scrupulously observed the treaties made with them so long as that course was safer and more beneficial to their interests. But when they discovered that they could venture to disregard them, they did not scruple to do so in some instances and confiscate their principalities and jaghirs as was done with our kingdom. This was a stain on their honour and justice. If States and political authorities deal honestly with others, these will deal likewise with them. To this effect I subjoin the opinions of some notable British Statesmen.

a. In paragraph 80 I have entered the views of Sir Thomas Munro, the Honourable Mr. Elphinstone, and Lord Hastings, showing the political necessity of continuing our sovereignty in order to secure and protect the territory captured from the Peshwa. But the Earl of Dalhousie, in Section 21 of his Minute for annexing our sovereignty, dated the 30th August 1848, argues that the same causes for which our sovereignty was made perpetual in 1818 did not exist in 1848. That section of his Lordship's minute runs as follows :—

(*Extract No.* 284.)

21. While, therefore, I do not presume to dispute the wisdom of creating the raj of Sattara in 1819, I conceive that the same reasons do not prevail for its reconstitution now, when it is again placed by events at our disposal.

If any one who in time of need having entered into a solemn engagement in writing with another to cede anything to him perpetually, breaks that engagement by the force of his might after that time has passed, this course is surely very highhanded, cruel, and unjust.

b. When the East India Company took exception to the treaties with us and with the Emperor of Delhi, the Nabob of Surat, the Ameers of Scinde, and the Raja of Mysore, some British Statesmen observed the bitter feelings of the people of India excited in consequence, and remarked that the unfair dealing of the Company towards the Raja of Travancore altogether applied to all Native Princes in general. Mr. Sullivan, in his letter addressed to the Hon'ble Sir John Hobhouse on 4th August 1848, (and printed by Mr. G. Norman in 1850), thus observes :—

(*Extract No.* 285.)

We are apt to think that when we have decided such questions in our own favour, they are set at rest ; but there are those in this country who have witnessed the bitter feelings that have been excited and expressed by our alleged breaches of faith with the Emperor of Delhi, the Nabob of Surat, the Raja of Mysore, the Ameers of Scinde, and the Raja of Sattara. The

question that was put by the most sagacious and the most experienced of Indian Statesmen, when speaking of our political dealings with the Raja of Travancore, is applicable to our treatment of all these Princes.* "If (said Sir Thomas Munro) it is asked by what misconduct, or by what hostility, either open or concealed, towards the British Government, the Raja has forfeited his rights as an independent Prince, it would be difficult to answer the question. I remember very well the alarm that was felt in 1788 at Tippoo's growing power, and that the alliance with Travancore was regarded as a fortunate event, as the possession of that country (Travancore) by Tippoo would have endangered our southern provinces. This alliance was frequently renewed, but always upon a footing of equality while Tippoo lived: but on the fall of this enemy of both States, the terror of whose arms had been the first cause of their alliance, and when the Raja might reasonably have expected to be relieved from the whole, or at least a part, of the expense of being protected against invasion, *he finds himself compelled to make a virtual surrender of the dominion of his country to his ally.*"

c. It clearly appears from public records that Lord Wellesley, from political motives, anxiously sought to make an alliance with the titular Emperor of Delhi, and attached high political importance to the re-establishment of the sovereignty of Mysore just on the same principle. By similarly continuing our sovereignty in our family, Lord Hastings hoped to gain great ends and advantages, and he succeeded. Lord Auckland also endeavoured to make an alliance with the Ameers of Scinde for the benefit of the East India Company. But as soon as the ends of the Company were gained, as the independence of Travancore was destroyed without a cause, so what Sir John Malcolm calls the "grasping policy" was followed. The revenues which used to be paid to the Emperor of Delhi and the Nabob of Surat according to the treaties were stopped; the Rajas of Mysore (until recently) and Sattara, were deprived of their sovereignties, and the territory of the Ameers of Scinde was annexed to the British dominions. The connection of these events will clearly be seen from the following further extract of Mr. Sullivan's letter to Sir John Hobhouse—

(*Extract No.* 286.)

The public records will show the anxiety with which Lord Wellesley sought for an intimate alliance with the titular Emperor of Delhi, the political importance which he attached to the re-establishment of the Raja of Mysore, the great ends which Lord Hastings hoped to attain through the restoration of the Raja of Sattara, and the unremitting endeavours which were made by Lord Auckland to engage the unfortunate Ameers of Scinde in an alliance with us; and they will show also that when we had gained our object, and these Princes were no longer of use to us, we dealt with them as we did with the Raja of Travancore; refusing to pay the Emperor of Delhi and the Nabob of Surat the revenues which we had guaranteed to them by treaty; assuming the territory of Mysore, dethroning the Raja of Sattara, and seizing upon the principality of Scinde, not from necessity, as was

* Sir Thomas Munro to Lord Hastings, January 1817.

asserted by Sir Robert Peel, when he attempted to vindicate our aggression of the Ameers, but from following out what Sir John Malcolm has emphatically designated "*our grasping policy.*"

91. It is perfectly true that the British Government has become a very formidable power by the edge of its sword. Its martial supremacy is felt and acknowledged in every corner of India. No potentates in this country are able to cope with its might. Still it cannot be justified in depriving them of their territories or oppressing them because of their helpless condition. To this effect have several Statesmen of the Hon'ble East India Company expressed themselves.

a.—Although the East India Company was a powerful body exercising sovereignty, the treaties concluded by them with the Native Princes and Chiefs of India brought their power under certain constitutional restrictions. And the laws and regulations framed for the administration of the country did not allow of the Company appropriating, on the mere strength of their power and might, an inch of ground or a pie of the revenue of this country without previously making a reference of all the circumstances to your Majesty and obtaining your Majesty's sanction to such transfer. In support of this statement I beg to quote again from the letter of Mr. Sullivan to Sir John Hobhouse, Bart., (printed in Mr. Norman's pamphlet, p. 39.)

(*Extract No.* 287.)

Again, let me remind you, that as we have stripped ourselves of every vestige of arbitrary power in our relations with Native States by our treaties, so, as between ourselves and our own subjects, we have done the same by that code of law which we have promulgated for their benefit, so that we cannot touch a shilling of the property of any one of these subjects but by due process of law, and not only may that process be carried on in our own Courts, but by appeal (if of sufficient amount) to Her Majesty in Council.

b.—When the famous Duke of Wellington considered it likely that the dealings of his brother in India would sully the fair character of the British nation, His Grace remarked that the supremacy of the East India Company in India was achieved not simply by the force of arms; and that it was better that the Company should lose ten times the territory of Gwalior than that injustice should be committed. His remarks to this effect occur at page 169 of Gleig's *Wellington's Despatches*, and are as follows:—

(*Extract No.* 288.)

"I would sacrifice Gwalior or every frontier of India *ten times* over in order to preserve our credit for *scrupulous good faith*, and the advantages and honour which we gained by the late war, and the peace; and we must not fritter them away in arguments

drawn from overstrained principles of the laws of nations, which are not understood in this country. What brought me through many difficulties in the war, and the negotiations for peace?—the British good faith, and nothing else."

92. That in proportion as the number of Native States increased, the British dominions in India, far from being weakened, would derive additional strength therefrom, is a view taken by eminent Statesmen of the Hon'ble Company, as will be seen from the following observations of the Hon'ble Mr. Elphinstone in a letter addressed by him on the 5th of August 1832 to the Secretary of the India Board, and quoted by Mr. John Sullivan in his letter to Sir John Hobhouse, Bart., (dated 4th August 1848, and published by Mr. G. Norman):—

(*Extract No.* 289.)

"It appears to me (said Mr. Elphinstone) to be our interest as well as our duty, to use every means to preserve the allied government; it is also our interest to keep up the number of independent powers; their territories afford a refuge to all those whose habits of war, intrigue, or depredation, make them incapable of remaining quiet in ours; and the contrast of our Government has a favourable effect on our subjects, who, while they feel the evils they are actually exposed to, are apt to forget the greater ones from which they have been delivered. If the existence of independent powers gives occasional employment to our armies, it is far from being a disadvantage."

a.—The following remarks by Sir John Malcolm to the same effect are quoted by Mr. John Sullivan in the same letter to Sir John Hobhouse, Bart.:—

(*Extract No.* 290.)

In accordance with these opinions were those of Sir John Malcolm, who looked rather to the extension, than the extinction, of Native States as the means of consolidating our power, and benefiting the people of India. "I am decidedly of opinion," (said that experienced diplomatist,) "that the tranquillity, not to say *the security, of our vast Oriental possessions is involved in the preservation of the native principalities which are dependent upon us for protection.* These are also so obviously at our mercy, so entirely within our grasp, that besides the other and great benefits which we derive from those alliances, their co-existence with our rule is of itself *a source of political strength, the value of which will never be known till it is lost.* They show the possibility of a Native State subsisting even in the heart of our own territories, and their condition mitigates in some degree the bad effects of that too general impression, that our sovereignty is incompatible with the maintenance of Native Princes and Chiefs. I shall not stop in this place to examine into the truth or otherwise of the notion, that we have sought occasion to reduce our allies to the condition of stipendiaries, after having made use of them to serve our own purposes. It is in many cases untrue, and in all exaggerated; but it is very general, and forms one of the most leading, most plausible, and most popular grounds of combination against our power. This I have had ample opportunities of knowing to be a fact; and I am further convinced, that though our revenue may increase, *the permanence of our power will be hazarded in proportion as the territories of Native Princes and Chiefs fall under our direct rule.* Considering as I do, from all my experience, that it is our policy to maintain as long as we can all Native States now existing, and through them, and by other means, to support and

maintain Native Chiefs and an aristocracy throughout the empire of India, I do think *that every means should be used to avert* what I should consider as one of the greatest calamities, in a political point of view, that could arise to our empire, viz., the whole of India becoming subject to our direct rule. There are now none of the latter who can venture to contend against us in the field. They are incapable, from their actual condition, of any dangerous combinations with each other, and they absorb many elements of sedition and rebellion. It is further to be observed, on this part of the subject, that the respect which the natives give to men of high birth, with claims upon their allegiance, contributes greatly to the preservation of the general peace. Such afford an example to their countrymen of submission to the rule of foreigners—they check the rise of those bold military adventurers, with which India has, and ever will abound, but who will never have the field widely opened to their enterprizes, until our impolicy has annihilated, or suffered to die of their own act, those high Princes and Chiefs, who though diminished in power, have still the hereditary attachment and obedience of millions of those classes, who are from habits and courage alike suited to maintain, or to disturb, the public peace."

93. To thirst for the extension of the British dominions in India by depriving the Native Princes and Chiefs, whether dependent or independent, of their territories, and so to enjoy the entire sovereignty of India, was opposed to sound policy and calculated to prove injurious to the Company's true interests. Such were the opinions expressed on various occasions by Statesmen like Sir John Malcolm, the Hon'ble Mr. Elphinstone, Sir Henry Russell, General Walker, &c.

a. Sir Thomas Munro, a politician of the first order, his friends and contemporaries Sir John Malcolm, the Hon'ble Mr. Elphinstone, Sir Henry Russell, and General Walker, all observed that the danger to the British Empire in India would date from the time that British supremacy reached its culminating point. To this effect Mr. Sullivan quotes at page 5 of his letter to Sir John Hobhouse, dated the 4th August 1848.

(*Extract No.* 291.)

If you will consult the recorded opinions of this eminent man and of his distinguished contemporaries, Sir John Malcolm, Mr. Elphinstone, Sir Henry Russell, and General Walker, you will find them unanimous in declaring that the danger of the British Government in India will begin from the day when it shall have attained to the very summit of its power by the extinction of all the Native States that surround it.

b. The opinion of Sir Thomas Munro that it was not befitting the Hon'ble Company to extend their territories by absorbing the Native States, conveyed to Lord Hastings, is published at page 465 of the life of Sir Thomas Munro, and is as follows:—

(*Extract No.* 292.)

Even if all India, said Sir Thomas Munro to Lord Hastings, could be brought under the British dominion, it is very questionable whether such a change, either as it regards

the natives or ourselves, ought to be desired. One effect of such a conquest would be that the Indian army, having no longer any warlike neighbours to combat, would gradually lose its military habits and discipline, and that the native troops would have leisure to feel their own strength, and for want of any other employment, to turn it against their European masters. But even if we could be secured against every internal commotion, and could retain the country quietly in subjection, I doubt much *if the condition of the people would be better than under their Native Princes.* The strength of the British Government enables it to put down every rebellion, to repel every foreign invasion, and to give to its subjects a degree of protection which those of no native power enjoy. Its laws and institutions also afford them a security from domestic oppression unknown in those States; but these advantages are dearly bought. They are purchased by the sacrifice of independence, of national character, and of whatever renders a people respectable. The natives of the British provinces may, without fear, pursue their different occupations, as traders, meerasadars, or husbandmen, and enjoy the fruits of their labour in tranquillity; but none of them can aspire to anything beyond this mere animal state of thriving in peace; none of them can look forward to any share in the legislation, or civil or military government of their country. It is from men who either hold, or who are eligible, to public office, that natives take their character; where no such men exist, there can be no energy in any other class of the community. The effect of this state of things is observable in all the British provinces whose inhabitants are certainly the most *abject race* in India. No elevation of character can be expected among men who, in the military line, cannot attain to any rank above that of Subadar (Captain), where they are as much below an (English) Ensign, as an Ensign is below the Commander-in-Chief; and who in the civil line can hope for nothing beyond some petty, judicial, or revenue office, in which they may by corrupt means make up for their slender salary. The consequence, therefore, of the conquest of India by the British arms would be, in place of raising, *to debase the whole people.*

c. And in noting the progress then made in that mistaken and fatal course, Sir Thomas further observes:—

(*Extract No.* 293.)

There is, perhaps, no example of any conquest, in which the Natives have been so completely excluded from all share of the Government of their country as British India. Among all the disorders of the Native States, the field is open for every man to raise himself, and hence among them there is a spirit of emulation, of restless enterprise, and independence far preferable to the servility of our Indian subjects. The existence of independent Native States is also useful in drawing off the turbulent and disaffected among our native troops.

d. The opinion of the Duke of Wellington, based on deep foresight and delivered about 80 years ago to Sir Thomas Munro, was that the extension of the then existing British territory would not tend to the permanent advantages of the East India Company, is thus given at page 266 of the 1st vol. of the *Life of Sir Thomas Munro*:—

(*Extract No.* 294.)

In my opinion, said he (when writing to Sir Thomas Munro), the extension of our territory and influence has been greater than our means. Besides, we have added to the number and the description of our enemies, by depriving of employment those who heretofore found it in the service of Tippoo and of the Nizam. Wherever we spread ourselves, particularly

if we aggrandize ourselves at the expense of the Mahrattas, we increase this evil, we throw out of employment and means of subsistence all who have hitherto managed the revenue, commanded, or served in, the armies, or have plundered the country. These people become additional enemies, at the same time that by the extension of our territory our means of supporting our Government and of defending ourselves are proportionally decreased.

e. Since the Duke of Wellington gave his opinion as above quoted, the British territories in India have attained to double their former extent by the extinction of several Native States. That such an extension must be fatal to the stability of British dominions in India is held by Mr. Sullivan in his letter of 4th August 1848 to Sir John Hobhouse. Thus at pp. 9 and 10 of that letter he remarks :—

(*Extract No.* 295.)

Since this was written, we have more than doubled our empire at the expense of our neighbours, until we have, at length, reached that eminence which, in the opinion of our most distinguished Statesmen, is fraught with danger to the stability of our power. It is so, because the extinction of a Native State is, in fact, the creation of a field of employment and of wealth for the European at the expense of the Native ; the immediate effect of our conquest is the transfer of all places of importance and of emolument from the Native to the European, to block up the path of ambition and of wealth to the higher classes of the former, and to deprive thousands of the lower of their bread ; and though a small portion of what their ancestors exclusively enjoyed has been restored to the natives of late years, the description which Sir Thomas Munro gave of their condition thirty years ago, is still applicable to them. No native can aspire to any share in the legislation, or civil or military government of his own country—the Native Officer is still as much below the Ensign as the Ensign is below the Commander-in-Chief ; we compel the higher classes, therefore, to hate us, and to wish for an end of our rule, and this feeling was abundantly manifested during our late eventful struggle with the Sikhs.

f. Under clause *a* of paragraph 92, the remark of the Hon'ble Mr. Elphinstone, that independent States in India would give military employment to the British army and no way be injurious to British interests, has been given. And Sir Thomas Munro has distinctly stated that want of such employment to the British forces by the extinction of the Native States, dependent and independent, would greatly endanger the firmness of British power. To this effect Mr. Sullivan quotes at pp. 13-14 in his letter alluded to above.

(*Extract No.* 296.)

Sir Thomas Munro has emphatically warned us of the danger that may arise from those armies wanting employment, when from having nothing else to do, their attention may be turned to their own condition. They will learn (he says)* to compare their own low allowances and humble rank with those of their European officers, to examine the ground on which the wide difference rests, to estimate their own strength and resources, and to believe that it is their duty to shake off a foreign yoke, and to secure for themselves the honours and emoluments which their country yields.

* Life of Sir Thomas Munro, Vol. ii., p. 32.

Their assemblage in garrisons and cantonments will render it easy for them to consult together regarding their plans; they will have no difficulty in finding leaders qualified to direct them; their patience, their habits of discipline, and their experience in war, will hold out the fairest prospects of success; they will be stimulated by the love of power and independence, and by ambition and avarice, to carry their designs into execution. The attempt, no doubt, would be dangerous, but when the contest is for so rich a stake, they would not be deterred from the danger. They might fail in their first attempt, but even their failure would not, as under a national government, confirm our power, but shake it to its very foundation.

In such a contest we are not to expect any aid from the people. The native army would be joined by all that numerous and active class of men formerly belonging to the revenue and police departments, who are now unemployed, and by many now in office, who look for higher situations; and by means of these men they would easily render themselves masters of the open country and of its revenue: the great mass of the people would remain quiet.

The merchants and shopkeepers, from having found facilities given to trade which they never before experienced, might wish us success, but they would do no more. The heads of villages, who have at their disposal the most warlike part of the inhabitants, would be more likely to join their countrymen than to support our cause. They have, it is true, when under their native rulers, often shown a strong desire to be transferred to our dominion, but this feeling arose from temporary causes,—the immediate pressure of a weak and rapacious government, and the hope of bettering themselves by a change. But they have now tried our Government, and found that, though they are protected in their powers and their property, they have lost many of the emoluments which they derived from a lax revenue system under their Native Chiefs, and also much of their former authority and consideration among the inhabitants, by the establishment of our Judicial Courts and European Magistrates and Collectors. The hope of regaining their former rank and influence would, therefore, render a great part of them well disposed to form any plan for our overthrow. We delude ourselves if we believe that gratitude for the protection they have received, or attachment to our mild Government, would induce any considerable body of the people to side with us in a struggle with the native army.

94. When the East India Company broke the treaties concluded with the Princes and Chiefs of India, the latter were still constrained to conduct themselves with deference and fear towards the Company. But although none of them were able to raise their hand against the mighty sword of the Company, they were after such breach always inclined to side with the Company's enemy when any great emergency arose. To this effect I will presently subjoin the opinions of some Statesmen of the Hon'ble Company. And yet the Hon'ble Company showed favour to some of those Princes who turned against the Company and others who had shown a disposition to do so; but that self-same ill-judging Company dealt so harshly with us, who always acted towards them with good faith and friendship. Thus that Com-

pany rewarded traitors and punished their faithful friends; a strange and unfair course of dealing unknown in great States, as your Majesty will not fail to perceive.

a. In his letter to Sir John Hobhouse, Mr. Sullivan describes how Hyder Ali and the Nizam turned against the Company when it broke the treaties concluded with them. Sir Thomas Munro's opinion, that if the Company dealt with the Princes and Chiefs in a candid and friendly manner, they would render assistance to the utmost of their power against a foreign enemy, but that after unjust treatment they would not hesitate to side with the Company's enemies, is thus given by Mr. Sullivan in his letter of the 4th August 1848 to Sir John Hobhouse:—

(*Extract No. 297.*)

The Princes who are suffering from that policy cannot retaliate upon us, as Hyder Ali did when we broke faith with him, by entering our territories with fire and sword; or as the Nizam did, when for a similar breach of faith on our part, he threw himself into the arms of the French; but they can entertain and propagate the most rancorous feeling of hostility towards us, and watch for a favourable opportunity of evincing those feelings. What was said by Sir Thomas Munro of the Travancore Government may be predicted of all those Princes. It would become friendly to us for its own safety, and support us with all its means against every foreign enemy, *if we dealt fairly by it.* In its present condition it will always be hostile and ready to join any enemy against us."

95. The following are some of the opinions expressed by well-known eminent Statesmen of the Hon'ble East India Company, on the injustice of dispossessing us of our sovereignty, in flagrant violation of the engagements of two solemn treaties. These opinions go to show that our sovereignty would have to be given back to us, in case a suit could be brought against the British Government before an impartial tribunal.

a. The Honourable Sir Bartle Frere was the Resident at Sattara when our territories passed into the hands of the Honourable Company. He is fully conversant with the matters of our State, and he has, on every suitable occasion, expressed his opinion, after mature consideration, on the injustice of annexing our principality. The tenth para. of his report contains his opinion that the claims of the British Government cannot touch our State, and that an appeal against the decisions of the Honourable East India Company would end in our favour in the Civil Courts. This opinion is thus recorded in His Excellency's letter to the Bombay Government, No. 106, September 23rd, 1848.

(*Extract No.* 298.)

But there are many who might have asserted their claim had no adoption taken place, and who may possibly assert it now, should they hear that both adoptions are invalidated;

and any of them, as far as I can judge of the facts of the case before me, would, were other competitors, save the British Government, out of the field, be able to establish a very good *primâ facie* claim in any Court of Justice in India, to be the Raja's heir by blood as against the British Government in its character of heir to all who die leaving no natural heirs of their own, which appears to me the only character in which our Government can, consistently with the treaty, lay claim to the Sattara State.

96. Gracious Queen, it is my most painful duty in this paragraph to relate to your noble Majesty how extreme indignity was added to the gross injury done us by the East India Company. Not only did the Company unjustly deprive us of our sovereignty, but they usurped most of our palaces and *jalamandirs* (water-houses), which, with hope and fondness, we had built for the pleasure of our family; of our jaghires, miras-inams (private estates granted and held for an hereditary possession), furniture-houses, temples, with temple-sheds erected for the celebration of festivals, &c., which we or our ancestors built in the city of Sattara or in various parts of our territory at an expenditure of several lakhs of rupees. The few estates and buildings that have been allowed to remain in my possession temporarily have been decreed to be seized and confiscated after my death. Thus the Company usurped even our dwelling houses and private property. But this is not all. I was subjected, like the commonest subject, to the payment of taxes and to the payment of tolls. Thus my rank and the dignity of our princely house were altogether ignored. In the four ancestral villages which remain in my possession, whenever any dispute arises in civil or revenue matters, I am referred to an insignificant subordinate officer for redress. My son, the young Raja, is treated and addressed no better than an ordinary subject. We are never called to the Government Durbars. My son is not even registered in the list of the Sirdars. In fact, the officers of the Local Government are evidently bent upon obliterating every kind of distinction between us and those who only a few years ago were our subjects. Thus endeavours are clearly being made to remove all vestige of the former greatness of our family. The veneration paid to it through generations by the people and Chiefs is being made to vanish by causing them to forget its greatness and blotting out all traces of the fact that for a long time we ruled in this country as powerful independent sovereigns, establishing our superiority over the whole of Maharastra and much of Central India. That such attempts are being made will be evident from the following:—

A. I have mentioned above that my ancestors and my late lamented husband built in great hope for the future benefit and pleasure of their

family, palaces, *jalamandirs* (water-houses), furniture-houses, &c., at an expenditure of many lakhs of rupees, in Sattara city and elsewhere in our dominions; and that all of these that were in the districts, and most of those that were in the city, were taken possession of by the Company. Those in the city that were usurped by the Hon'ble Company were sold by public auction to a purchaser who pulled them down, and on the very sites which were adorned with palaces in which our ancestors flourished and enjoyed sovereignty, were erected wretched public latrines, which are an abomination and disgrace. The few buildings that remain in my possession have been ordered to be seized from my son after my death. This usurpation and spoliation have overwhelmed me and my followers with intense sorrow. For the sites of those princely dwellings where we lived happily and enjoyed royal state, which presented very imposing scenes on the visits of Chiefs and Sirdars, which were receptacles of precious treasures, the tenants of which were looked upon by the Princes, Jaghirdars and Sirdars as belonging to a powerful ancient house, where crowds from remote places still flock to please their sight by beholding what is still spared, all these have met with this miserable fate or may meet with worse. Whenever these melancholy thoughts enter my mind, my heart is oppressed by inexpressible sorrow. For the question irresistibly forces itself upon my mind, what treason have we committed that the Hon'ble East India Company should lay violent hands on our very dwelling houses? They have ruled that my descendants should live in those ordinary houses which we had built in the distant quarters of Sattara for the residence of our humbler followers. These houses have been in a decaying condition, and my descendants must occupy them and there shed incessant tears! This will give your Majesty some idea of the oppression and indignity to which we have been already subjected, and which is in store for our descendants. The buildings destined for the residence of my descendants will, judging from their present condition, soon go to destruction, one of them being almost in ruins already. On the other hand, the British Government have continued unhesitatingly to our Sirdars and dependents the territories and dominions which we had conferred on them. The British Government have expended from time to time lakhs of rupees in erecting buildings and pulling them down. But as regards the fate of our sovereignty a different policy has been pursued, and as regards our buildings grudging parsimony has been observed. This is quite a mystery to me.

Besides the palaces which have been retained to me during my life, the three buildings which have been destined for the residence of our descendants may be estimated as worth not more than Rs. 7,000. Not to speak of the magnificent edifices at Bejapore and various other parts of our dominions except Sattara, I beg to annex below a table showing the total number of our edifices in the city of Sattara, their present disposition, the number of those pulled down, and those allowed for my use. The buildings which have been allowed to my descendants after me have the remarks against them in italics—

	Names of Edifices.	Remarks on the disposal by the E. I. Company.
1.	Adawlat wada	Used for Judicial Courts.
2.	Daulacha wada	Sold by Govt.
3.	Barracks for Seebundee	
4.	A Jail for prisoners	Sold and the site turned into a bazaar.
5.	Seebundeecha Adda	Made over to the Municipality.
6.	Tophakháná (Ammunition building)	Turned into a jail.
7.	Hospital	Hospital.
8.	Vidya Shala (school for learning)	Criminal Court or Chief Constable's Office.
9.	Aqueduct buildings	Turned into schools.
10.	Huzur paga (Horse stable) ...	Turned into vegetable market.
11.	Barracks at Gendamala for Native Infantry	Sold and pulled down.
12.	Unclaimed houses (13).....	Sold.
13.	Hari Bhousle's and Mohite's wadas.	Occupied by their families.
14.	Old wada	Allowed me during my life.
15.	New wada	
16.	Old waterhouse	
17.	Umaghatgi's house	Sold.
18.	Old paga	Allowed me during my life.
19.	Gyaty's building	
20.	Nagarkhanas (2)	
21.	Bungalow near the Nagarkhanas	Turned into Library.
22.	Its neighbouring building.....	Made over to the Municipality to keep pumps in.

23.	A building for peons	Allowed me during my life.
24.	Wada near the Punch pala Haood.....	*Allowed for my descendants after my life; valued at about Rs.* 550.
25.	Nazar Paga	Allowed me during my life.
26.	Bhoee Khana.....	"
27.	Engineering Establishments...	"
28.	Miscellaneous buildings—	
	1. The house in which Paluskar lives	Occupied by their families.
	2. Pyarun Naikini's house ...	"
	3. Bungalow at Peit Bhuwanee.	Allowed me during my life.
29.	Miscellaneous buildings—	"
	1. Faraskhana	Allowed me during my life.
	2. Its neighbouring quadrangle	
30.	Miscellaneous buildings—	
	1. Nundikar's house.....	*Allowed to my descendants after my death; valued at about* £50.
	2. Gunjeekhana	Allowed me during my life.
31.	House in which Apajirao Patankar lived.....	Sold.
32.	Budhavar Bag	In my possession.
33.	Houses at Povaee	In ruins.
34.	Waras Ali's house.....	*Allowed to my descendants after my death; valued at about* £100.
35.	Ratha Khana.....	Allowed me during my life.
36.	Bagtalas.....	In my possession.
37.	New waterhouse	Ditto ditto.
38.	Rajadnya's quadrangle	" "
39.	Turup Paga (barracks for Troops)	Turned into Police constabulary.
40.	Hajari bungalow	Turned into Government treasury.
41.	Shikarkhana	Sold.
42.	Rung Mahal	Greater part sold by auction, a small portion for the High School.

43.	Old wada in Peit Gooroowar.	This was the principal residence of our ancestors, and the place of our thrones, which was sold and pulled down and the site now used for abominable purposes.
44.	House to the east of the Jod Haood	Sold and pulled down.
45.	House to the south of the ditto	
46.	Two houses opposite Pandit-rao's	
47.	House opposite Shirke's	
48.	Elephant stables	Allowed during my life, but are in ruins.
49.	Camel stables	Allowed during my life.
50.	House near Elephant stables.	
51.	Kondu Bai Mahadkeen's house.	
52.	Miscellaneous buildings—	
	1. Buildings in the fort of Sattara	Some are sold, some are in Government possession.
	2. Garden buildings.....	
53.	Yesvant Mal buildings	Turned into barracks for soldiers.
54.	Pratabgur	Sold and pulled down.
55.	Buildings opposite Turuppaga.	Incorporated with the jail.

a. Besides these in the city there have been many, and some still are, in the districts erected at great cost, the particulars of which are not given for fear of enlarging the limits of this appeal.

b. Thus your Majesty will see that out of so many buildings, costing many lakhs of rupees, but three valued only at Rs. 7,000 have been sanctioned for the descendants of our family. Because the Hon'ble Company annexed our sovereignty, they pretended they had a right to the palaces and other edifices built by the Maharajas of Sattara. Your Majesty will not fail to perceive that the maxim "Might is right" has been fully acted on in this instance by the Hon'ble Company.

B. Act VIII. of 1859, Sect. 17, clause 4, contains this exemption—

(*4thly.*—Persons specially appointed by order of Government, at the request of any Sovereign, Prince, or Independent Chief, whether residing within or without the British territories, to prosecute or defend a suit on his behalf.)

a. The special object of this enactment seems to be to dispense with the personal presence of persons of great rank and dignity in filing and conducting a suit in a Civil Court when they have to protect their property. Notwithstanding this, as it often becomes necessary for me to file suits in a Civil Court in recovering the revenue (Rs. 27,000 annually) of our four hereditary villages, I wrote twice on 11th July 1862 and 21st February 1871 to the Collector and Political Agent, Sattara, to appoint me a recognized agent to file and conduct suits on my behalf; I received a cold formal reply (No. 38, dated 7th March 1871) that the Government was not willing to make such appointment. Act VIII. of 1859 (Sec. 14, cl. 4) authorizes an independent Prince or Chief to appoint a recognised agent to file suits or conduct them in his behalf. But now that I have lost the sovereignty, Government seems to think that I am not entitled to that ordinary privilege which is enjoyed by dozens of our sirdars and former dependents.

b. It follows from this that when I have to institute and conduct a suit in a Civil Court, I must either attend the Court personally or appoint a recognized pleader in my behalf. To appoint such pleader I must furnish him with powers of attorney according to the provisions of law. For this purpose I must make a solemn declaration in the plaint. How derogatory and humiliating is this measure dealt out to us who have been reduced to the sad necessity of appearing as plaintiff in a Court against our poorest subjects whom we ruled so many years? According to Hindoo notions for a lady to appear in Court is not at all considered respectable, much more so in a royal family like ours. And though the British Government have thus harshly made it necessary in my case, I am resolved rather to forego the rents and revenues to recover which such suits as may be necessary than to submit to such an indignity. Some designing people of our hereditary villages, taking advantage of this disability to sue, have refused to pay rent, pleading adverse possession, in consequence of which my revenue has considerably fallen off; and yet the privilege denied me is given to our dependents. This is an additional illustration of the indignity and oppression wantonly heaped on us.

C. When our sovereignty was annexed we were three *Ranis* living, and the Hon'ble East India Company granted us out of the revenues of our own annexed State a lakh of Rupees (£10,000) a year for life. The two younger Ranis died soon after, and then the allowance made to me was

Rs. 5,000 per mensem. This allowance is, moreover, to cease with my life. Hence I have had to live up to this time with the greatest economy, turning almost all my property, including personal ornaments, into money. Still I am pressed with debts, and when my allowance ceases after me, my family will be reduced to the greatest distress, and without a decent competence my family will not command respect and honour from the people.

D. When in 1849 our territory was annexed, Sir Bartle Frere was, and had been for some years, the Resident at Sattara. He, considering the former greatness of our family, did not withhold from me the respect and honour due to my rank. As the Company's rule became more firmly established and new Officers succeeded, our former state was gradually ignored, and at last matters came to such a pass that I was treated as a common subject and compelled like any shopkeeper or ryot, to the payment of taxes, tolls, and local cesses, and all State respect was withheld from me. As for the taxes, even our jaghirdars are exempted from them; but as it is the intention to reduce us to the condition of common subjects, of course we cannot but be subjected to taxes and compelled to pay the uttermost anna.

E. Some little time after the annexation of our sovereignty it was a practice not to levy tolls from me when I passed the turnpikes, although with a large retinue consisting of elephants, horses, *myanas*, palanquins, &c. But the practice was abandoned, and we are subjected to tolls at every wayside.

F. As regards the local cesses, even inferior jaghirdars are exempted from paying them; but these cesses have been levied on the four hereditary villages which are in our possession.

G. For some time after the annexation of our territory, the officers appointed by me over these villages had been empowered to dispose of the civil suits that might arise in them, but now this power has been taken away.

H. Remembering our former greatness, the sirdars and ryots of this place still wish to pay the same respect to me, my son, and our family that they did formerly. But the officers of the Government address my son as an insignificant subject when occasion arises, and his name is not even inserted in the list of Sirdars.

I. A practice has been lately instituted by the British Government in this country to assemble Durbars to which Native Princes, Chiefs, and Sirdars are invited, where they are treated with the respect due to their rank and position. But neither I nor my son are invited to such Durbars; hence there is no opportunity of ascertaining whether we should receive the high respect and due regard to which we have an undisputed right.

J. Our ancestors made small grants of inam lands to thousands of people, called *gudkarries* (or hillmen), for which they used to render us hereditary service. At the time when our sovereignty was annexed, there were between 500 and 1,000 of these *gudkarries* rendering service. Day by day the Government authorities reduced their number, so that at the present day there are only 167 of them in my service; and after my death their attendance is to be altogether dispensed with. Those whose services have been already dispensed with had to forfeit against their will half of their inams to the Hon'ble Company for this exemption. When after my death our dwelling-houses will be seized, and my allowance stopped, not a vestige of our former dignity will remain; then my son will be treated like a person without name, then also will the few *gudkarries* leave our service; thus, the climax of our misfortunes will come.

K. After the annexation of the raj it was the practice for some time to order some police, out of respect for my rank, to attend me when I left the city with my retinue; but that practice has long been discontinued under a pretence that no police is available to attend me.

L. From all these circumstances which I have laid before your gracious Majesty for serious consideration, your Majesty will not fail to perceive that where formerly our family lived as sovereigns, there we have been forced by the Hon'ble Company, for no fault of ours, to live like common subjects. In fact, that Company has reduced us to the lowest depth of obscurity, will compel me to die in oblivion, and our great name to go out and be forgotten.

97. Since 1859, the year when your Majesty assumed the reins of government of this country, you have been graciously pleased to give permission to its Princes, Chiefs, and Sirdars to adopt heirs, and have thus securely continued their possessions to them. I beg to add a list of the Princes and Chiefs to whom your Majesty has graciously granted sunnuds to adopt. (*See* Aitchison's Index to *Treaties, Engagements, and Sunnuds*—India.)

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98. I beg now to subjoin particulars as to the territory ceded to us by the East India Company by the treaty of September 1819.

The following is a schedule of the districts ceded by the Company:—

Extract No. 300.

Schedule of the Territory and Revenue ceded to His Highness Maharajah PERTAUB SHEEAW of Sattara, by the 1st Article of the Treaty concluded at Sattara on the 25th September 1819, and to which this schedule is annexed.

The frontier extends from the Kistna and Warna on the south, to the Neera and Beema on the north, and from the Western Ghauts, or Syadree Hills, on the west, to the Districts of Punderpore and Beejapore on the east, exclusive of jaghires, &c.

I. That portion of Neerthuree in the Poona Prant, and that share of Seerwul which lies south of the Neera River.

II. The whole of the Waee Prant, including the following turrufs and villages:—

1. Huwélee.
2. Wagholee.
3. Neemb.
4. Koregaom.
5. Sattara.
6. Médhé.
7. Purlee.
8. Koodal.
9. Wundun.

III. Belonging to the turruf of Roheerkhorie, Prant Mawul:—

1. Mouza Kanowree. 2. Umul, in the village of Hatnose.

IV. The whole of Jaolee Soobah, from the line at which the ghauts join the plain in the Concan, and including the following nine turrufs:—

1. Bara Moore.
2. Sonat Solse.
3. Tamb.
4. Ategaom.
5. Kedumb.
6. Helwak.
7. Bamnolee.
8. Kandatkhore.
9. Jor Khore, with the fort of Pertabghur.

But the forts of Wasota, Buhirowgur, and Pruchitgur are to be garrisoned and held by the British Government during its pleasure, but the lands immediately attached to them and within the line aforesaid are to belong to the Rajah.

V. The Prant Kurar, including the following turrufs and villages:—

1. Turruf Huwelee, including Barsé.
2. Oombruz.
3. Targaon.
4. Naneghol.
5. Tarulé.
6. Murlee.
7. Patun.
8. Waroon.
9. Kole.
10. Kuryat Ound.

VI. Belonging to the Southern Concan, eight villages:—

(1.) Turruf Sawurdi—

1. Mouza Waghree.
2. ,, Pathurpoonj.
3. ,, Mula.
4. ,, Kolun.
5. Mouza Nao.
6. ,, Gowaré.
7. ,, Dankne.
8. ,, Wulwun.

(2). One village in the turruf of Chiploon:—

1. Muzre Ghaut Matha.

VII. The whole of Khutad Prant, including the fort of Bhooshungur, and the following turrufs, viz:—

1. Pergunnah Khutao.
2. Kuryat Nimsor.
3. Kuryat Maeenee.
4. ,, Lulgoon.

VIII. The Prant of Mandesh, including the following turrufs, viz:—

1. Kuryat Mulouree.
2. Pergunnah Sangole.
3. ,, Brumhupooree.
4. ,, Aklooj.
5. ,, Bhalownee.
6. ,, Velapoor.
7. Kuryat Mhuswur.
8. Of the Kuryat of Atparee, four villages.
9. Kuryat Duheegaon.
10. Kusba Dhurumpooree.
11. Pergunnah Nazré.
12. ,, Khasgaon.

IX. The following villages and umuls in Phultun pergunnah:—

1. Mouza Geerwee,
2. Kusba Tatnora, umul villages.
1. Mouza Turduf.
2. ,, Dhowlé.
3. ,, Oopulvé.
4. ,, Waghoshee.
5. Mouza Danowdee.
6. ,, Wekhree.
7. Boundary land, called Dag Musinga.

X. The following turrufs and villages in the Prant of Beejapore, viz:—

1.—The following villages and shares in Huwelee Beejapore :—

Villages.

1. Kuba Beejapore.
2. Mouza Sarwar.
3. ,, Khuteejapore.
4. ,, Khunmuchnal.
5. ,, Joomnal.
6. ,, Rumbhapore Ungapore.
7. ,, Boornapore.
8. ,, Kulkunhullee.
9. ,, Chundapore.
10. ,, Alapore.
11. ,, Wangee.
12. Mouza Ueenapore Rusoolpore.
13. ,, Khanapore.
14. ,, Goongdhuree.
15. ,, Huncheenal.
16. ,, Barutga.
17. ,, Itungeehul.
18. ,, Jalgeeree.
19. ,, Urkeeree.
20. ,, Bhootnal.
21. ,, Sheernal.
22. ,, Jugnal.
23. ,, Mudbhavee.

Half-Villages.

1. Mouza Turvee Nowruspore.
2. ,, Heetunhullee.
3. Mouza Ootnal.
4. ,, Futtehpore.

2. Villages and shares in the pergunnah of Moolwar :—

Villages.

1. Kusba Moolwar.
2. Mouza Mulghan.
3. ,, Tanshal.
4. ,, Tuléwar.
5. Mouza Suvunhullee.
6. ,, Musootee.
7. ,, Kulgoorkee.

Half-Villages.

1. Mouza Koorgee.

3. Six villages in the pergunnah of Kolhardesh :—

1. Kusba Kolhar.
2. Mouza Huludgénoor.
3. ,, Heeregursungee.
4. Mouza Rooneehal.
5. ,, Cheekgursungee.
6. ,, Mootuldeenee.

4. Pergunnah Bulotee.

5. Six villages in the pergunnah of Seedhnath :—

1. Kusba Seedhnath.
2. Mouza Hule Roolee.
3. ,, Soolkhair.
4. Mouza Turulgee.
5. ,, Telgee.
6. ,, Cheeruldinee.

6. Village in the pergunnah of Cheemulgé :—

1. Mouza Kowlga.

7. Villages and shares in the pergunnah of Hortee :—

Villages.

1. Kusba Hortee.
2. Mouza Koorloorgee.
3. ,, Domnal.
4. ,, Kunchcenul.
5. ,, Muknapore.
6. Mouza Boblad.
7. ,, Hurulsung.
8. ,, Neembul Boozoorg.
9. ,, Neembul Khoord.
10. ,, Kunal.

11. Mouza Bomunhullee.
12. „ Busnal.
13. „ Sawulsung.
14. „ Hulgoonkee.
15. „ Goodwan.
16. „ Sonkunhullee.
17. Mouza Koorgee.
18. „ Modusnal.
19. „ Degeenal.
20. „ Goonkee.
21. „ Agusnal.

Half-Villages.

1. Mouza Turgondee.

Umuls.

1. Mouza Kupneemburgee.
2. Mouza Kotnal.

8. Villages and shares in the pergunnah of Hulsungee :—

Villages.

1. Kusba Hulsungee.
2. Mouza Yelgee.
3. „ Tudewaree.
4. „ Arjoonal.
5. „ Bhyrungee.
6. „ Boodeehul.
7. „ Keroor.
8. „ Chunegaon.
9. „ Ajootgee.
10. „ Putnoor.
11. „ Bevnoor.
12. „ Chorgee.
13. „ Munukulgee.
14. Mouza Maeenhullee.
15. „ Murgoor.
16. „ Chondhal.
17. „ Hingnee.
18. „ Bargoondee.
19. „ Ueersung.
20. „ Mueelar.
21. „ Shergoor.
22. „ Anchee.
23. „ Nundral.
24. „ Shirnal.
25. „ Lonee Khoord.

Half-Village.

1. Mouza Dhoolkhair.

Umuls in

1. Mouza Lucham.
2. „ Belolee.
3. Mouza Zulkee.
4. „ Lonee.

9. Fifteen villages in the pergunnah of Mumdapore :—

1. Kusba Mumdapore.
2. Mouza Belumbee.
3. „ Sootgoondee.
4. „ Dewargénoor.
5. „ Mudgoonkee.
6. „ Hunchinal.
7. „ Korbagee.
8. „ Segoonsee.
9. Mouza Dewapore.
10. „ Arjoongee.
11. „ Katurhal.
12. „ Hokoondee.
13. „ Hulgunee.
14. „ Lingudhullee.
15. „ Kumbagee.

10. Six villages in the pergunnah of Goté :—

1. Mouza Bableshwur.
2. „ Needonee.
3. „ Dashal.
4. Mouza Dunjal.
5. „ Nagurhal.
6. „ Koomutgee.

11. In the pergunnah of Indee:—
    1. Umul in the village of Seergoor.
12. In the pergunnah of Ooklee:—
    1. Mouza Hometgee.
13. Ten villages in the pergunnah of Jut and Kurujgee:—

Pergunnah Jut.

1. Mouza Chinchale.
2. ,, Nural.
3. Mouza Par.

Pergunnah Kurujgee.

1. Mouza Ghureodee.
2. ,, Bhouse.
3. ,, Rer.
4. ,, Deeksul.
5. Mouza Hungeergé.
6. ,, Wankee.
7. ,, Yedrao.

14. In the pergunnah of Mungulvedha—
    1. Mouza Khoopsingee.

XI.—The following turrufs and villages in the Prant Meeruz, viz.—

1. Kuryat Bhalownee.
2. ,, Eet.
3. Kuryat Khanapore.
4. The village of Benoor in Kuryat Unjunee.

5. In the Kuryat Isapore, the umuls in the following villages, viz:—

1. Mouza Ulte.
2. ,, Andhullee.
3. ,, Nunbluk.
4. Mouza Neemb.
5. ,, Seergaon.

6. In the Kuryat Beelowree—
    1. Mouza Doodharee.
    2. Mouza Duhiaree.

Umuls in the following villages:—

1. Mouza Tooparee.
2. ,, Bumbuvde.
3. ,, Ghogaon.
4. Mouza Doodhondee.
5. ,, Takaree.
6. ,, Nagral.

7. Kuryat Kowtemahankal—
    1. Mouza Nimnee.

Umuls.

1. Mouza Kowlapore.
2. ,, Mudgoonkee.
3. ,, Sheergaon.
4. Mouza Nagaon, near Nimnee.
5. ,, Kowte.

8. Kuryat Ashte—

1. Mouza Tandoolwaree.
2. ,, Koondulwaree.
3. ,, Dhowlee.
4. ,, Sakhralé.
5. Mouza Eetkure.
6. ,, Malowree.
7. Umul in the village of Pokhurnee.

9. In Kuryat Sanglee—

1. Umul in the village of Bisoor.

10. Huwelee Meeruj—

Umuls in the following villages:—

1. Mouza Bamnee.
2. „ Neeljee.
3. „ Taung.
4. „ Tanklee.
5. „ Belwar.
6. Mouza Khutao.
7. „ Taolee.
8. Mola Koombhoz, belonging to Kusba Koombhoz.
9. Mouza Sawulwaree.

11. Kuryat Tasgaon—

1. Mouza Poondee.
2. „ Chinchnee.
3. Mouza Paré.
4. „ Mungrool.

12. In Kuryat Sawurde—

1. Kusba Sawurde.
2. Mouza Lode.
3. Umal in Dorlee.

13. Kuryat Deshing—

1. Mouza Kurolee.

XII.—The following turrufs and villages in the Prant Punala:—

1. Kuryat Wangee.
2. Turruf Walve.
3. Kuryat Bez.

1. Mouza Baonchee.
2. Kusba Penth.
3. Umul in Kowté Peeran.

4. Of Kuryat Wurgaon—

1. Mouza Sheegaon.
2. Mouza Koregaon.

5. Of Kuryat Kodolee—

1. Mouza Kurunjowdé.
2. Acetowreé Khoord.
3. Umul in the village of Chikoordé.

6. Of Turruf Huwellee belonging to Kolhapore—

1. Mouza Koorlup.

7. Of Kuryat Tulbeer—

1. Kusba Tulbeer.
2. Mouza Mazgaon.
3. „ Karowlé.
4. Mouza Moondhé.
5. „ Oorool.
6. Umul in the village of Wulphul.

8. Kuryat Kasegaon—

Villages.

1. Kusba Kasegaon.
2. Mouza Yedé.
3. „ Tambvé.
4. Mouza Shenolee.
5. „ Retre Hurnan.

Umuls.

1. Mouza Malkher.
2. Mouza Nurseempore.

9. Of Kuryat Satvé—

1. Umul in the village of Maglé.

10. Pergunnah Sheerala.
11. Umul in the Kusba of Kuledhon.

XIII.—The following villages in the Prant Raeebag:—

1. Kuryat Nanduré—

Umuls.

1. Mouza Khoojegaon.	4. Mouza Benduree.
2. ,, Hatnolee.	5. ,, Banapore.
3. ,, Morale.	

2. Umul in the village of Wariyé.

XIV.—The following villages in the Prant Kagul:—

1. Of Kuryat Dingruz—

1. Mouza Dongur Sonee.

Umuls.

1. Kusba Dingruz. | 2. Mouza Borgaon.

2. Umul in the village of Rajapore.
3. Kuryat Manjuree—

1. Umul in the village of Anklee.

XV.—The following villages in the pergunnah of Hookeree:—

1. Kuryat Doodgaon—

1. Kusba Doodgaon.

Umuls.

1. Mouza Borgaon Doopput. | 2. Mouza Bhurkimbé.

2. Kusba Saoluz.
3. Kuryat Joogool—

1. Umul in the village of Mungawuttee.

" The possessions of the Rajah of Akulkote, the Punt Sucheo, the Punt Pruthee Nidhee, the jaghire of the Dufflas in the pergunnah of Jut, the jaghire of Jan Rao Naik Nimbalkur in the pergunnah of Phultun, and the jaghire of Shaikh Meera Waeekur.

Such villages or umuls as belong to the Putwurdhuns within the boundaries of any of the abovementioned pergunnahs are to be continued to be possessed by them, subject to such exchanges as the British Government may see fit, and in like manner such villages and umuls as belong to the Rajah, which may be situated within the pergunnahs or turruts belonging to the British Government or the Putwurdhuns, will be liable to such exchanges as the British Government may deem proper for the general convenience of the parties concerned.

The Rajah shall have power to make such exchanges with the Rajah of Akulkote, the Punt Sucheo, and the jaghiredars subject to his autho-

rity, as may be desirable to the parties concerned, for the purposes of consolidating their respective possessions, provided that such exchanges be undertaken with the immediate concurrence of the Agent of the British Government."

A. At the time of settling the new kingdom of Sattara on H. H. the Maharaja Pratap Singh, it was said by Mr. Elphinstone and others that its revenue would be about fifteen lakhs (£150,000); and at the time of the annexation the income was returned as somewhat under that amount. But the revenue drawn from the territory by the British Government is nearly double that sum. This is shown by the following extract from page 96 of Chapter I. of the General Report on the Administration of the Bombay Presidency for the year 1872-73 is as follows:—

(*Extract No.* 301.)

Revenue and expenditure.

The gross revenue is Rs. 31,68,852, of which Rs. 25,93,190 are land revenue, and Rs. 2,59,752 are derived from local funds. Excise yields Rs. 30,837, assessed taxes Rs. 21,359, and there is a forest revenue of Rs. 691. The State expenditure in the district amounts to Rs. 19,60,919, of which Rs. 17,07,882 are derived from Imperial and Rs. 2,53,037 from Provincial Funds.

To this may be added the revenues of the Districts of Pandharpore and Bejapore, transferred since the annexation of Sattara to other Collectorates. I think the revenues of these two talookas will not be less than Rs. 5,00,000 a year. From this it appears that the revenues of Sattara are at present about Rs. 36,68,852.

99. Here I think it necessary once more to speak to your Majesty of the wretched condition to which my illustrious ancient family will be reduced after me, unless your Majesty graciously interpose, in consequence of the hard and unjust decisions of the late East India Company regarding our sovereignty and our family.

a. I have already dwelt on this afflicting subject in para. 96; but I am naturally drawn to it again and again, and whenever it recurs to my mind I fall into a melancholy train of thought. My renowned family is to dwindle into nothing. My son is to be treated as a common subject, he is to be driven out of the very building in which he lives with me. However, I am not entirely without hope. I feel sure the generous and noble heart of my gracious Queen cannot but be moved by the humble prayer of a dying woman afflicted with misfortune, for I feel my end approaching. I despair of surviving my present illness, which has shadowed forth the symptoms of death; I therefore seek relief, trusting to your gracious Majesty.

100. Each foregoing paragraph of this Appeal has sufficiently elucidated its subject matter, but some information that could not be brought conveniently under any of the foregoing divisions of this document, but which, nevertheless, it is necessary to bring forward, is given below:—

A. In presenting this Memorial to your Majesty under my own sign-manual, I take upon myself to furnish any evidence in explanation of the subject-matter of the appeal, or in support of any statement therein contained. And if it be found necessary to seek redress in a Civil Court, I undertake to file a suit against the Honourable East India Company or its successors and conduct it to a final issue. But if, from one cause or other, it so happen that I should not be able to conduct my cause, I appoint my son and lawful heir Maharaja Rajaram, who will do the same for me. I confer on and transmit to him all the legal rights and privileges of our ancient house. I also give him after me equal power of acting on my behalf to that which I now possess.

B. This Memorial contains extracts taken from various English works, as well as copies of official letters sent to us by the Peishwas and others. Such English works and the originals of letters are with us, and will be produced if necessary.

C. It is certain that, because of the lapse of time, thousands of letters, regarding administration and political affairs received before 1818, from the Peishwas, the Nizam, and the chiefs of Gwalior, Indore, Nagpore, Baroda, and others, and various diplomatic and other correspondence now and then exchanged between ourselves and the Peishwas, on the management and the government of our territories, have not come down to this present time. Still there is enough that has survived from which your Majesty will be fully convinced that whatever the Peishwas did in the management of the Mahratta kingdom, simply proceeded and derived its political validity from the fountain-head of our own central authority; and also that the Chiefs of Gwalior, Indore, Baroda, and others acted always as our feudatories and subordinate agents. This subject is dealt with in paragraphs 75 and 76, but its full treatment would have exceeded the proper bounds of this Memorial. Hence only as many extracts as were considered necessary in support of the statements and assertions made have been adduced.

D. This Memorial contains many translations of original orders and letters in Marathi. These translations are faithful though not always literal.

E. In preferring this Appeal to your gracious Majesty I entertain sanguine hopes that the unjust decision of the Honourable East India Company in the matter of our independent sovereignty will be reversed by a solemn act and righteous restitution decreed by your gracious Majesty in Council. The Honourable Company itself, in its better days, of its own accord when it saw that decisions had been inconsistent and unjust reversed its policy and remedied its own mistakes. For instance this was done in the case of the rightful heir to the Mahratta principality of Tanjore, who was restored to it by the Company. The Honourable Company also testified and declared on several occasions, that the object of its policy was to administer perfect justice. This avowed principle of the Company was brought by Mr. John Sullivan to the notice of Sir John Hobhouse, the president of the Honourable Court of Directors, in a letter dated 15th April, 1849 (printed in London by Mr. Norman.) The following is an extract from pages 40-41 of the same letter—

(*Extract No.* 302.)

In reconsidering our proceedings in the cases of Sattara and Colaba, we should only be doing what we have repeatedly done; generally for our own convenience, sometimes however from a sense of justice. In 1797 the Nabob Vizier Ally was, upon our nomination, raised to the throne of Oude, and finding that we had patronised the wrong person, he was afterwards, at our instigation, put aside for his relative Saadut Ally. In 1806, when it was thought that our adherence to the treaties made by Lord Wellesley with the Rajahs of Jeyepore, Boudee, and others, would lead us into political embarrassment, we tore them up without the slightest compunction.

But in bright contrast to these examples stands our conduct, when, in announcing our determination to restore a Rajah of Tanjore to his dominions, we expressed ourselves thus:—

"Adverting to the right of the Company—to interfere originally with respect to the "succession of Tanjore, it is observed, that the same right called upon them, under exist- "ing circumstances, to review the whole subject; and that if it should appear that the "decision of Government had been procured by imposition and intrigue, by which the legal "heir had been deprived of his rights, a declaration to that effect, followed by his restitu- "tion, would be more honourable to British Justice, and more calculated to promote our "Political character and interests, than to suffer the continuance of an imposition obtained "at our hands by sinister and undue means. It would manifest to the world that the "principle of British Justice is ever true to itself, and that if those entrusted with its ad- "ministration should be betrayed into error, (an event not impossible even from the integrity "of their own minds), when truth shall have made its way, the hour of retribution must "come, and the honour of the British name be completely vindicated."

F. Although, as already admited this Memorial has much increased in bulk, I have not been able to embody in it all the necessary documents from our old state records. Proofs of various descriptions which I pos-

sess might be required to be produced to show in the most convincing and satisfactory manner the justice of what I have said, and to corroborate the various statements herein made. I beg, therefore, that your Majesty will kindly appoint a Commission either here in India or at London, before which I may be able to produce all oral and documentary evidence I possess in support of my statements.

G. In this appeal whenever I had to give any information about or speak with respect to His Highness the late Rajah, my husband, or his ancestors, I have, on some occasions, under the full belief that I am the rightful heir to the sovereignty of Sattara, used the words "we", "us", "our" which, unless the sense obviously requires otherwise, must be understood to mean "my husband or ancestors" "to my husband or ancestors" and "of my husband or ancestors."

H. The text of the Proclamation, given out to the Maratha nation on 11th of February, 1818, through the Honourable Mr. Elphinstone is given in pages 46-48 of No. 41, in the *Selection of the Bombay Records*, 1857. It also appears on page 98 of Aitchinson's "*Treaties, Engagements and Sunuds*," Vol V. 1863.

That proclamation is quoted below.—

(*Extract No.* 303.)

Proclamation issued on the 11th of February, 1818, by the Honourable Mountstuart Elphinstone, sole Commissioner for the settlement of the Territories conquered from the Peshwa—

From the time when Bajeerao ascended the Musnud, his country was a prey to faction and there was no efficient Government to protect the people. At length Bajeerao was expelled from his dominions, and took refuge in Bassein, where he was dependent on the bounty of Khunderao Rastia. At this time he entered into alliance with the British Government, and was immediately restored to the full possession of his authority. The tranquillity that has been enjoyed since that period is known to all ranks of men. At Bajeerao's restoration, the country was laid waste by war and famine, the people were reduced to misery, and the Government derived scarcely any revenue from its lands. Since then, in spite of the farming system, and the exactions of Bajeerao's officers, the country has completely recovered, through the protection afforded it by the British Government, and Bajeerao has accumulated those treasures which he is now employing against his benefactors. The British Government not only protected the Peshwa's own possessions, but maintained his rights abroad. It could not without injury to the rights of others, restore his authority over the Maratha Chiefs, which had expired long before its alliance with him, but it paid the greatest attention to satisfy his admissible demands, and had succeeded, in spite of many difficulties, in adjusting some, and putting others in a train of settlement. Among these were Bajeerao's claims on the Gaekwar. The British Government prevailed on that prince to send his Prime Minister to Poona, for the express purpose of settling

those demands, and they were on the eve of adjustment, with great profit to the Peshwa, when Gungadhur Shastree, the Gaekwar's Vukeel, was murdered by Trimbukjee Denglay the Peshwa's Minister, while in actual attendance on his court, and during the solemn pilgrimage of Pundhurpoor. Strong suspicions rested on Bajeerao, who was accused by the voice of the whole country; but the British Government, unwilling to credit such charges against a prince and an ally, contented itself with demanding the punishment of Trimbukjee. This was refused, until the British Government had marched an army to support its demand. Yet it made no claim on the Peshwa for its expenses, and inflicted no punishment for his protection of a murderer; it simply required the surrender of the criminal; and on Bajeerao's compliance, it restored him to the undiminished enjoyment of all the benefits of the alliance. Notwithstanding this generosity, Bajeerao immediately commenced on a new system of intrigues, and used every exertion to turn all the powers of India against the British Government. At length he gave the signal of disturbances by fomenting an insurrection in his own dominions, and prepared to support the insurgents by open force. The British Government had then no remedy but to arm in turn. Its troops entered Bajeerao's territories at all points, and surrounded him in his capital, before any of those with whom he had intrigued had time to stir. Bajeerao's professions of gratitude for past favours, and of entire dependence on its moderation, once more resolved Government to continue him on his throne, after imposing such terms on him as might secure it from his future perfidy. The principal of these terms was a commutation of the contingent which the Peshwa was bound to furnish, for money, equal to the pay of a similar body of troops; and on their being agreed to, the British Government restored Bajeerao to its friendship, and proceeded to settle the Pindarees, who had so long been the pest of the peaceable inhabitants of India, and of none more than the Peshwa's own subjects. Bajeerao affected to enter with zeal into an enterprize so worthy of a Government, and assembled a large army, on pretence of cordially assisting in the contest; but in the midst of all his professions, he spared neither money nor pains to engage the powers of Hindustan to combine against the British, and no sooner had the British troops marched towards the haunts of the Pindarees, than he seized the opportunity to commence a war, without a declaration, and without even an alleged ground of complaint. He attacked and burnt the house of the British Resident, contrary to the laws of nations and the practice of India, plundered and seized on peaceable travellers, and put two British officers to an ignominious death. Bajeerao himself found the last transaction too barbarous to avow; but as the perpetrators are still unpunished, and retain their command in his army, the guilt remains with him. After the commencement of the war, Bajeerao threw off the mask regarding the murder of Gungadhur Shastree, and avowed his participation in the crime, by uniting his cause with that of the murderer. By these acts of perfidy and violence Bajeerao has compelled the British Government to drive him from his Musnud, and to conquer his dominions. For this purpose, a force is gone in pursuit of Bajeerao, which will allow him no rest; another is employed in taking his forts; a third is arrived by the way of Ahmednuggur; and a greater force than either is now entering by Khandesh, under the command of His Excellency Sir Thomas Hislop; a force under General Munro is reducing the Carnatic; and a force from Bombay is taking the forts in the Konkun, and occupying that country,—so that in a short time no trace of Bajeerao will remain. The Raja of Sattara, who is now a prisoner in Bajeerao's hands, will be released, and placed at the head of an independent sovereignty, of such an

extent as may maintain the Raja and his family in comfort and dignity. With this view the fort of Sattara has been taken, the Raja's flag has been set up in it, and his former Ministers have been called into employment. Whatever country is assigned to the Raja, will be administered by him, and he will be bound to establish a system of justice and order. The rest of the country will be held by the Honourable Company. The revenue will be collected for the Government, but all property, real or personal, will be secured. All Wutuns, and Inams (hereditary lands), Wurshasuns (annual stipends), and all religious and charitable establishments, will be protected, and all religious sects will be tolerated, and their customs maintained, as far as is just and reasonable. The farming system is abolished. Officers shall be forthwith appointed, to collect a regular and moderate revenue on the part of the British Government, to administer justice, and to encourage the cultivators of the soil: they will be authorised to allow remissions in consideration of the circumstances of the times. All persons are prohibited paying revenue to Bajeerao or his adherents, or assisting them in any shape: no reduction will be made from the revenue on account of such payments. Wutundars and other holders are required to quit his standard and to return to their villages, within two months from this time. The Zamindars will report the names of those who remain, and all who fail to appear in that time shall forfeit their lands, and shall be pursued without remission, untill they are entirely crushed.

All persons, whether belonging to the enemy or otherwise, who may attempt to lay waste the country, or to plunder the roads, will be put to death, whenever they are found.

Dated 11th February, 1818.

(Signed) M. ELPHINSTONE.

I. My husband was taken very ill and his physical condition rapidly grew worse and worse from 1st. April, 1848; and, to my grievous misfortune, as related so clearly by Dr. Murray and Sir Bartle Frere, he breathed his last on the 5th of the same month. My husband adopted a son, a little before his death and conferred on me the right of adoption, if ill fate should make the exercise of such a right necessary. My husband spoke personally and wrote letters to the Honourable Sir Bartle Frere, the then British Resident at Sattara to the effect that he fully trusted his sovereignty should ever continue from sire to son in his own family. My husband also spoke to the Resident about the management of some departments of the State. On the 5th of April, when the ceremony of adoption took place in the presence of Dr. Murray, the Resident was absent from Sattara. There are memoranda of these facts, made severally by Dr. Murray and the Resident. (*See* para. 69 clause 13) The following will bring out the chief of these facts:

a. Below I will quote the memorandum describing the conference that took place on the 1st of April, 1848, at an interview between my husband and the Resident. It appears in the *Parliamentary Papers*

relating to Sattara, in pages 14-16. It also appears in pages 13-14 of letter No. 27, of the Political Department sent on the 3rd April, 1848, to the Government of Bombay by the Resident.

b. The letter No. 364, sent on the 2nd of April by my husband to the Resident of Sattara, appears in page 27 of "the papers relating to Sattara," and is given here:—

(*Extract No.* 304.)

In the treaty concluded by the British Government with this surkar (His Highness) it is stated, "that in consideration of the antiquity of the family (Khandan) of the Maharaj Chhuttraputtee, a sovereignty(Raj) has been conferred upon him, which should be enjoyed constantly (sudodit) by the Maharaj Chhuttraputtee, his offspring, heirs, and representatives.* As to this, we beg to represent that as this State (Raj) was bestowed by the great liberality (odarutve) of the British Government, we feel assured that there will be no failure (antur) on the part of the British Government to continue it hereafter. We have now been indisposed, and are very seriously ill,, and having no legitimate male issue, it is therefore our anxious desire to adopt a son.

*Furjund wa waris wa kaim mukam.

The Bhouslay families are (as follow):

1. The Khanwuteekur family.
1. The Jinteekur ditto.
1. The Korallkur ditto.
1. The Moongeekur ditto.
1. The Shedgamkur ditto.
1. The Chundawurkur (Tanjore) ditto.
1. The Oodhutkur ditto.
1. The Kulluskur ditto.
1. The Bhamboonekur ditto.
1. The Munjoorkur ditto.
1. The Ban Sendreekur ditto.

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Whatever child from the above mentioned eleven families, may be best will be selected and adopted. The nuptials of the Kurveerkurs (Rajas of Kolapoor) have been celebrated. They have allied themselves with families with which it is not our custom to ally ourselves; we have heard that the late ex-Raja Prutap Singh Maharaj has adopted a boy, the son born to the late Bulwant Row Bhousley Waweekur, on the road to Benares; as to this, that boy was not adopted by the advice of the British Government, nor by that of this Government, consequently that boy cannot be received here; wherefore if that boy, or any person on his behalf should make a claim, it should not be admitted by the British Government; the members of our family cannot remain under that boy, and it will also be difficult for them to preserve even their lives. For these reasons, the aforesaid two boys cannot be taken. It is therefore requested that the British Government, with a view to maintain the name of the throne and race of the late Sevajee Maharaj, and Shahoo Maharaj, may give its advice for the adoption of a son as speedily as possible. We have placed all our reliance, from the first, on the British Government, and will do so for the future. The Resident, after taking into his

consideration the nature of our continual friendship with the British Government, should write to the Honourable the Governor, and kindly use his utmost exertions to procure his Excellency's consent, and then favour us with his advice for the adoption of a son. By so doing, the renown of the Honourable the Governor, and the Resident, for preserving this state, will continue for many days. It is therefore solicited that arrangements should be made to send a reply to the above memorandum as soon as possible. Owing to our serious illness the Resident visited us at the palace on the 1st. April, to inquire after our health, when a conversation passed with him in regard to the affairs of this state; a yad regarding the same, containing 11 paragraphs, accompanies this, from which the matters will be known. Let it be done accordingly. Dated 27th Rabeil Akhur, corresponding with 2nd April, 1848.

(Signed) SHAHJEE MAHARAJ CHHUTTRAPUTTEE.

(True translation)
H. B. E. FRERE,
Resident at Sattara.

c. The following is the aforesaid communication (containing 11 Sections of the same date) from my husband to the Resident. It appears on pages 20-29 of "the *Papers relating to Sattara.*"

(*Extract No.* 305.)

Translation of a Memorandum (No. 364) from Shajee Maharaj Chuttraputtee (His Highness the Raja of Sattara), dated 2 April, 1848. A. D.

In consequence of our very serious illness, the Resident, Mr. Frere, having on the morning of the 1st April, 1848, at seven o'clock, paid a visit to us at the palace, in order to inquire after our health, and having heard and understood our present circumstances, he desired that we should state what it was on our (the Maharaja's) mind, whereupon we stated to him personally to the following effect:

The British Government, in consideration of our family, "khandan," being a very ancient one having bestowed (on us) a sovereignty (Raj) gave (us) a treaty, in which it is stated that, "The Maharaja Chhutraputtee, his descendants, heirs, and representatives (Furjund wa waris wa kaim mukam), should always (sudodit) enjoy the Raj." I am now very seriously ill. I have no legitimate male issue (potee pootra suntan); it is therefore desirable that a reply should speedily be returned to the yad transmitted to the British Government, under date 2nd April, 1848, No. 364, regarding the adoption of a son (to succeed) to the Government of the state. In the event of any delay taking place in the receipt of an answer, and it should be found that there is no trusting to my recovery, a boy from the Bhousley families, mentioned in the yad, will be adopted; and in case, from any reason, a son should not be adopted in person by the Sirkar (His Highness), a son will be adopted after me by the elder Ranee, in whose name let the British Government conclude a treaty as before, and continue their friendship on the same footing as it existed heretofore. In this will be shown (the renown) and kindness of the British Government.

2. All servants should act under the orders of the heir that may be appointed, and the names of the officers, and the duties to be required by him from each, will be stated in a separate yad, as written in the 6th paragraph; they are to teach the adopted son to conduct himself well, to give sound advice and counsel, and to manage

the affairs connected with the Raj under his orders with honesty and fidelity, according to the Regulations; but till the adopted son has attained full age to undertake the management of affairs, the Resident should take the Government officers, nominated in a separate yad, under him, and continue to administer the affairs of the State (doulut), and as soon as the adopted son shall have attained full age to be able to undertake the management of affairs, he should be vested with the powers to administer the affairs of the State, in order that he may manage the Raj on his own authority.

3. Estimates (bedha) of the nemnooks (allowances) for the expenses of the three Ranees will be made, and given (to the Resident); they should accordingly each manage their respective expenses under their own orders, by which no difficulty will be experienced; and the officers and other servants who are nominated should be required by them (the Ranees) to conduct their duties in conformity with the Government Regulations; and those who will not act according to orders should be reported to the Resident, and the requisite steps should be taken to settle regarding them.

4. The jewels, silver, and other vessels, and all other articles and property, gardens, grazing grounds, and buildings, which are to belong to the adopted son and the three Ranees, as also a village, now held by the elder Ranee, beyond the estimated amount (bedha) of her expenses, and two villages, which are to be settled in a similiar manner on the second and third Ranees, will be granted, and sealed yads of the same, including the jewels, &c., will be prepared, in accordance with which they should each of them hold them respectively.

5. The mother of Balwant Rao Bhousley Punt Raj Adnya died while he was very young, whereupon his father represented that he was unable to protect and rear up the child, and made him over to this Sirkar, while under one year of age. Whereupon His Highness, always keeping him in his own presence, reared him up and made a pet of him, and conferred on him the title of "Raja Adnya" to give him rank, and such allowance (nemnook) as may be granted him for his maintenance, under the advice of the British Government, the same should be continued to him without stoppage (neeruntur); a village will be granted in enam to him, and also a garden, a grazing ground, and the management of the Somwar Peyt, with the income derivable from it, have been assigned and granted to him, which shall be enjoyed by him hereditarily; and in case the officers and other persons nominated for his service should not act according to his orders, he is himself to dismiss or employ them. No protection should be given to his people by the members of His Highnesse's family, in order that the people may act in accordance with the Raj Adnya's orders. A sealed list of the jewels, vessels, &c., given as presents by the sirkar (His Highness) to the Raj Adnya, will be made out and given; he should enjoy them accordingly. If any difficulty be made by the members of His Highness's family regarding the aforesaid gifts, the Raj Adyna will report the same to the Rosident, and the requisite measures should be taken to arrange the matters.

6. The names of the persons to be employed, and the business to be entrusted to their hands by the adopted son, will be entered in a separate yad; they should be required to perform their duties accordingly.

7. Should the officers of State begin to disagree among themselves, and to receive bribes in the transaction of business, on this becoming known, either direct, or through the members of our family, to the Resident, he should institute inquiry into the case in presence of the adopted son, and inflict punishment proportioned to the guilt which may be substantiated;

and if he (the Resident) thinks proper, at the intercession of our family, to forgive the offence once, with reference to the personal character of the offender, he will do so.

8. A yad will be drawn out of officers of the State, including those of the troops and the mankurries, and those of the officers of the private establishment, and followers, and servants, who were favourably treated hitherto by the sirkar (His Highness), and as stated therein, the allowances of such parties should be continued.

9. The late Bhagoo Ghadgee was employed in the service of the sirkar (His Highness); she died by poison; she made a request whilst on her death-bed, stating that "there were her mother, Rumma Baee, sister, Ooma, two brothers and their two wives, and that these members of her family should be maintained and protected by the sirkar (His Highness). As to this, Bhagoo rendered faithful services to the sirkar, and both her brothers also, after having faithfully served the Government, died; and Ooma has also served honestly from the time of Bhagoo, in consideration of which the above mentioned members of that family have been protected. A behra (estimate) for their expenses will be made and granted, in accordance with which their allowances should be continued; and a village, a koorun (grazing-ground), and a garden will be granted in enam; and certain jewels vessels, and other articles have been given, of which a sealed yad will be made out; the Ghadgee should accordingly enjoy the above without interruption. If our own family ("khasa mundula") should make any attempt to get back any of these gifts or should the attendants transferred to their service misbehave, they are themselves at liberty each to dismiss or employ her own people; those people should not be protected by our family (the "khasa mundula"), and if they should be, then Ghadgee shall communicate the matter to the Resident, and orders should be given that the same should be arranged.

10. Ballojee Naryen Natoo was employed by this Government during the time of the late Resident, Colonel Ovans, at which time he was on bad terms with our family (mundula) Colonel Ovans then sent a message by Nathoo to the Sirkar (His Highness), that no person should act as intermediate agent between him and the Maharaj Sirkar. All matters connected with business should be communicated personally, whereupon Nathoo was removed from his office; it is therefore desirable that he should not be permitted again to interfere in the affairs of the Sattara State.

11. Eshwunt Trimbuck and Sirruswuttee, these two persons, though in the service of this Government have conducted themselves unfaithfully towards us, in consequence of which suspicion they have been placed in confinement; they should accordingly be kept in custody until the investigation of the case can take place. The Resident should bring them to trial, and if they be convicted of the crime of murder, the punishment awarded for the crime of murder should be inflicted according to the Regulations; should they not be convicted of murder, both parties, together with their families, should be forbidden to remain in the limits of this country; and no petitions that may be made on behalf of either to the British Government should be complied with.

12. In all 11 paragraphs have been written, according to which it should be done. Dated 27th Rubeil Akhar, corresponding with 2nd April, 1848.

(Signed) SHAHAJEE MAHARAJ CHHUTTRAPUTTEE.

(True translation,)

(Signed) H. B. E. Frere,
Resident at Sattara.

d. The following is the report by Dr. Murray containing an account of the adoption which took place on the 5th of April, 1848, and of several other matters relating to Government communicated to that medical officer by my husband in his hour of death. It is given in pages 22-24 of "the *Papers relating to Sattara.*"

(*Extract No.* 306.)

Memorandum by Dr. Murray.

Sattara Palace, 5th April, 1848.

A Little after eight o'clock this morning, I received a message from the Raja, that he wished to see me at the palace as soon as possible. I set out without loss of time, and on the road I met a second messenger, who stated that His Highness was very ill, and was very anxious for my arrival.

On reaching the palace, I was informed by the Furness who met me at the centre gate, that His Highness had been taken very ill in the night, and that he had become much worse since morning. On entering the apartment where he was lying, I was much shocked at the great change which had taken place in his appearance since I last saw him, six days ago. He was exceedingly weak; his breathing embarrassed, and his countenance collapsed, and indicating approaching dissolution.

He was, however, perfectly sensible, although he spoke with difficulty. In answer to his anxious inquiry as to what I thought of his state, I said that I was exceedingly sorry to see him so very ill, but that he had recovered from two or three previous alarming attacks of illness, and that I hoped he might yet be spared to his family and subjects. He shook his head, and said "No, I will never recover from this". In the course of the next hour he rallied somewhat, and about 11 o'clock he seemed disposed to sleep.

Having retired to adjoining apartment for a few minutes, His Highness sent the Furness to call me, stating that he had something which he wished particularly to communicate. Having gone in, I observed that a change for the worse had taken place during the short time I had been absent. In the course of a few minutes, His Highness having had raised in bed with some difficulty, and having ordered every one out of the room with the exception of the Furness and Row Sahib, desired the former to bring the copies of two yads given to Mr. Frere two days ago, and to read them over to me. They were produced accordingly, and read by Row Sahib. His Highness now called me close to him, and said, that the contingency adverted to in that yad (pointing to it) had now arrived, and that he was about to adopt a son; that he had an hour or two ago sent for the boy whom he had selected, who was now present in the palace, and that he wished the adoption to take place before me.

This announcement took me by surprise, as I had not received the slightest hint of it before. I said that I hoped His Highness would excuse my taking the liberty of urging the advisability of postponing this ceremony till Mr. Frere's arrival; that the formal adoption of a son appeared to me to be a matter of too great importance to be performed during the Resident's absence; that he was sure to be here early in the evening, and that I earnestly hoped His Highness would postpone carrying out his intention till then. To this he replied that he felt quite convinced he would not live till evening and that what was to be done must be done now. I then begged him to delay for an hour or two, and that, if after that interval, he should appear to be getting worse the

ceremony could then be performed, but he shook his head, and said that no time was to be lost.

Finding that I could not prevail with him, I took the Furness and Row Sahib aside, and after explaining the reasons which made me so exceedingly anxious that no adoption should take place until the Resident's arrival, I begged them, separately, to urge the point upon His Highness once more, and to endeavour to prevail upon him to consent to the postponment of the measure. This they at once did, but with the same want of success as myself.

It being now evident that further resistance was hopeless, I apologised to His Highness for the importunity with which I urged this point, and trusted that he would not consider that I had been presumptuous or disrespectful towards him in having thus ventured to obtrude my opinion and wishes in a matter which was quite beyond my sphere of duty, and which was so intimately connected with His Highness's domestic arrangements. To this he replied, with his usual kindliness of manner, No; you have done quite right, you have done your duty.

His Highness now put a pen and paper in my hand, and desired me to write the exact words he was about to dictate. I suggested it would be better that Row Sahib should write the words in Mahratta, but he replied that he wished me to write in English as he spoke in Mahratta. He then spoke slowly, but distinctly, as follows:—

"I have not the slightest hope of living till the Resident's arrival; I, therefore, now adopt this boy (calling the boy into the room), Venkut Row, son of Amboojee Bhouslay Shergamwalla." Having finished, he said, "keep that paper, and give it to the Resident." His Highness now ordered the Ranees to be called, and gave some other orders, which I did not hear, whereupon I left the room, and walked out into the Courtyard. In a few minutes His Highness sent for me again, and said he wished me not to leave him. There were now assembled round His Highness's bed the three Ranees, the mother and sister of the late Baghoo Bye, Bala Sahib Raj Adnya, the Furness, Row Sahib, the Maha Sahib and his sons, the eldest Ranee's father, the boy about to be adopted, with his grand-father, and probably between 40 and 50 of His Highness's durbar. In a few minutes the ceremony of adoption commenced, and lasted about a quarter of an hour. On its conclusion His Highness was lifted up in bed, and having had a turban put on his head, and a shawl thrown loosely over him, the adopted son made his obeisance to him; and afterwards (at His Highness's request) ate sugar out of my hand, and from the hands of some half a dozen others standing round. On the question being asked (by the Furnees, I think,) as to the name by which the boy should hereafter be called, and several names having been suggested (such as Sewajee, Shao Maharaj, &c.), His Highness, after two or three minutes' silent deliberation, answered, "Wenkutjee Rajee," being the name of one of Sevajee's brothers. His Highness being much exhausted by his exertions, I reqested him to lie down, and begged that the room might be cleared of all except his relations and immediate attendants, in the hope of his being able to sleep; but he soon called me again to his bed-side, and said (speaking now with a good deal of difficulty, but with perfect intelligence) "I wrote 11 paragraphs (kulum) to the Resident, of these, one has just now been completed (poorahooa), the other 10 must be completed by the Resident (Resident sahib ne poora kurna)." He then said, "with regard to the kamdar boy, the Furnees knows everything; he will communicate my wishes to the Resident; he is to be trusted."

On his making some observation relative to myself, I took the opportunity of thanking him for the great and unvarying kindness I had experienced at his hands. He

took my hand and said, "I have now told you all; you must mention to Mr. Frere all that has passed, and all that I have said; Mr. Frere must arrange, and manage everything after my death; from him all my people are sure to receive justice and kindness." He then alluded to the great kindness Colonel Ovans had shown to himself and his people; but his words were now scarcely audible.

Once or twice after this, not observing that I was present (though still by his bedside), he asked for me, and on seeing me, seemed satisfied, though he said nothing, and indeed never spoke to me again.

He expired, with scarcely a struggle, at half-past one o'clock, amid the general, and (I feel assured) the sincere lamentations, not only of his family and attendants, but also of the numerous assemblage of people who were congregated within and around the precincts of the palace.

(Signed) J. MURRAY.

e. The following is the report made by the Government of Bombay to the Honourable Court of Directors on the serious illness of my husband.

(*Extract No.* 307.)

Extract Political Letter from Bombay, dated 31st March, (No. 59) 1848.

7. We regret to report to your Honourable Court that His Highness the Raja of Sattara has been lately very seriously indisposed, and that considerable fears were for some days entertained that his illness might terminate fatally. We beg to forward copy of a letter from Mr. Frere, dated 21st instant, reporting the particulars of His Highness's illness, and to refer to enclosure Nos. 3, 4, and 8 to Collection No. 2, accompanying this despatch, for information as to the measures we adopted on receiving this intelligence for preventing any disturbances in the Sattara districts, in the event of His Highness's death. We have satisfaction, however, in stating that His Highness is now considerably better, and that hopes of his perfect recovery are entertained.

f. The following is the copy of the yadi addressed by me to the Resident of Sattara on the 13th April, 1848, giving my statement of the bereavement which had befallen me.

(*Extract No.* 308.)

No. 1.—Translation of a Yad (No. 2) from Her Highness *Sagoona Baee Sahib Maharaj*, elder Ranee of His Highness the late Raja of Sattara, to the Resident; dated 13th April, 1848. (A. D.)

On the night of the 4th April, 1848, at four o'clock, (A. M.), when the Maharaja was taken seriously ill, he sent for me and the second and third Ranees, and after clearing the room, got these three persons, Suckaram Bapoojee Fudnavees Amatya, Suckaram Bullal Karbaree, and Wassoodeo Krisna, acting Chitness, to sit down, and he told me with his own mouth, "as I have protected all (His Highness's adherents) and governed the state (dowlut), so should you in like manner protect them all and manage the state hereafter. I have maintained friendship with the British Government and adhered to the advice of the Resident; you should accordingly continue to maintain the friendship of the British Government and act under the advice of the Resident for the future. If on any occasion you were even to suffer loss, you should not act contrary to the Re-

sident's advice." After having so instructed me, he came down from the upper story, after sunrise, on the morning of the 5th April, and then desired Suckaram Bapoojee Fudnavees Amatya to draft a yad to the effect dictated by him, and to read it to him, and also to write down other paragraphs, as he might dictate to him. The Fudnavees accordingly wrote down what was dictated to him in the upper story, and His Highness continued to dictate to him below. It was his wish to write still more, and to put the date and signature on the yad. In the meanwhile he was overcome by pain, and the yad was left unfinished. The Maharaj was afterwards removed from his bed to the floor, after which he became worse, and departed this life in about an hour. The shelter (chutra) for all of us has gone; there is no remedy for the will of Divine Providence; but as the Fudnavees has written down five paragraphs, as dictated to him by the Maharaj, a copy of that yad, with three other yads, written by the Fudnavees and the other confidential servants, Suckaram Bullal and Wasoodeo Kristna (in all four papers), are forwarded with this yad, from which the matter will be known. We in accordance with the orders given to us by the Maharaj, place all our reliance on the Resident.

(Signed) MORTUB.

(True translation.)
(Signed) H. B. E. FRERE, Resident at Sattara.

g. The above named unfinished memorandum duly sent to the Resident appears on page 39 of "*the Parliamentary Papers, relating to Sattara,*" and is as follows.—

(*Extract No.* 309.)

Translation of an unfinished yad which His Highness the late Raja was dictating on the morning of his death—

Surkar Shreemun Maharaj, Rajshree Shahajee Maharaj Chhuttruputtee, His Highness the Raja of Sattara, having sent for his elder Ranee, gave her the following instructions regarding the state and arrangements of the house-hold after his death :—

The officers who now conduct the duties of the State and house-hold should be continued in the duties of their respective offices. The members of our caste, and other mankurries, ashrets, attendants, and followers, pensioners, and all other persons should be protected by you for the future in the same manner as I have hitherto done. Do not favour great or small, all of them should be supported in their several situations. Even if they are our relatives, should their conduct and advice be found irregular, they should be kept quite at a distance; and those whose conduct and counsels are good, who are wise and not covetous, even should they not be relatives, should be employed near you; and you should make them all act in concord, and arrange all affairs.

2. I have held the sovereignty up to this day by the friendship of the British Government and under the advice of the Resident; you should hereafter continue in the same manner to preserve the friendship of the British Government, and obtain the Resident's advice in every affair. Even should his advice be occasionally such as to cause loss,

still you should not deviate from it. Even should you be advised by a brother or father, yet you should make no difference in your friendship for the British Government, but act by the advice of the Resident, and whatever business you may have, it should be presonally communicated to the Resident, and you should yourself in person listen to the advice he may give.

3. The second and third Ranees and the child, Baleeaba Rajaduja, take under your care; be compassionate to them, and maintain them on the same footing as I did.

4. Having now performed the "Dutveedhan" ceremony attending the adoption, and adopted a son, the boy of Ambajee Bhousley, Shidgaonkur, I have placed his hands in yours. He should be protected and taken care of by you; cause him to be taught and made acquainted with the customs and observance necessary to enable him to hold the sovereignty and to act under you.

5. We have delivered two yads to the Resident under our own signature, mentioning that estimates of allowances and the lists of officers, &c., shall be separately prepared and given; but I have now no strength left to make out the yads. I have therefore told Dr. Murray, and I also tell you, that Suckaram Fudness is fully acquainted with what I would have said in regard to the officers and estimates; he will tell all, and you will thus know it. The Fudness has been acting under me for many days, and has my confidence.

(True translation.)
(Signed) H. B. E. FRERE, Resident at Sattara.
(True copies.)
(Signed) A. MALET, Chief Secretary.

J. The following letter sent by the Resident of Sattara to the Government of Bombay relates to the above:—

(*Extract No.* 310.)

No. 37. of 1848.

(No. 3,304.)

From H. B. E. FRERE, Esquire, Resident at Sattara, to A. MALET, Esquire, Chief Secretary to Government, Bombay.

Sattara Residency, 14 April, 1848.

SIR,—

I have the honor to forward translation of a yad from the widow of the late Raja, enclosing a copy of an unfinished yad of instructions which her husband was occupied in dictating on the morning of his decease for her guidance after his death.

2. The three first paragraphs His Highness had dictated when the native agent visited him early on the morning of the 5th instant, and the whole is quite in accordance with what His Highness personally stated to Dr. Murray; so that I am quite satisfied with the assurance of the Fudnavees, in whose hands the original was written, that it stands now just as it was noted down at the dictation of His Highness while yet able to converse. It will add nothing to Government's knowledge of the Raja's last wishes or intentions, but it contains strong evidence of the sincerity of his desire to be guided by the advice and to maintain the friendship of the British Government, though it would be hardly possible to have more convincing proof of

this than is afforded by the unhesitating submission to the will of that Government shown by all parties who may be supposed to reflect the opinions of the late Raja and his family.

I have &c.

(Signed) H. B. E. FRERE,

Resident at Sattara.

K. The following is my said letter or yad No. 3, dated 9th of May, 1848, to the Honourable Sir Bartle Frere. It appears on page 43 of the said *Parliamentary Papers*—

(*Extract No.* 311.)

No. 1.—Translation of a Memorandum (No. 3) from *Sugoona Byee Saheb*, the elder Widow of his late Highness the Raja of Sattara, dated 9 May, 1848.

The following paragraphs are written to be made known to the British Government.

The Resident is already aware of the circumstances mentioned to him personally by his late Highness before his death, of the matter contained in the several memoranda addressed to him, and of the Maharaj having personally charged me and mentioned several things which he ordered should be put in writing, but which memorandum was left incomplete, on account of His Highness suddenly becoming much worse. Copies of the above were sent with a memorandum, No. 2, dated 13th April, 1848. The Resident has probably already communicated these matters to the Government, as to how the Maharaj used to rule the State and the manner in which he maintained the friendship which existed with the British Government, and the attention he always paid to the advice of the Resident; all these things yourself and the English Government already know; nevertheless from the time the Maharajah was placed on the throne to the present period, nine years, circumstances have transpired which it is possible you may not have observed on the records, from their having occurred previous to your arrival here. The kamgars (officers) therefore have been ordered to make out the enclosed statement. From the 5th September, 1839, the date on which the Maharajah ascended the throne, to the 4th April, 1848, whatever was done by the Maharajah, and reported to Government by the Resident, and regarding which answers approving of what had been done were received, all these memoranda are entered with their numbers and dates. The Resident will, after having considered it, and compared it with the records of his office, communicate it to the British Government, in order that they may know how the Maharajah cherished the friendship of the British Government and how all that he did was intended to meet the approval of the British Government, and how the affairs of the State were conducted, and what were the charitable acts done by him for the good of his subjects.

The Resident has probably already seen the public works which the Maharajah, from his ascending the throne to the present day, has been employed in erecting, for the benefit of his subjects, for the improvement of the country, and from a feeling of benevolence, such as the bridges across the rivers Krishna and Yenna, the dams, &c. As these works were in progress they were reported to the Government by the Resident; but the enclosed yad is sent to show, at one view, all the works undertaken, and the expenses that were incurred on their account. If the Resident will communicate this

to Government, they will know all that has been done by His Highness for the good of his people, and of his country generally.*

(True translation)
(Signed) H. B. E. FRERE,
Resident at Sattara.

L. The following is the despatch No. 60, in the Political Department, dated 13th April, 1848, sent by the Government of Bombay to the Honourable Court of Directors formally announcing the decease of His Highness my late husband, and incidentally raising the question of succession. It appears on pages 1-2 of the aforesaid *Parliamentary Papers.*

(*Extract No.* 312.)

Political Department. 13 April, 1848.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Bombay Castle, 13 April, 1848.

Honourable Sirs,

1. In our despatch dated the 31st ultimo, No. 59, of 1848, we informed your Honourable Court that His Highness the Raja of Sattara had been lately very seriously indisposed, and that considerable fears had for some days been entertained that his illness might terminate fatally. It is now our painful duty to announce to your Honourable Court the death of His Highness, which occurred on the afternoon of the 5th instant. The deceased was in his 47th year, and has left no legitimate issue.

2. We are happy in being able to inform your Honourable Court that in reporting this event, Mr. H. B. E. Frere, the Resident at Sattara, stated that "with the exception of a general expression of grief on the part of his subjects at the death of His Highness, everything remained perfectly quiet in the city."

3. We beg to draw attention to a Minute,* which, in the absence of our Honourable President at Mahableshwur, was recorded by the Honourable Mr. Willoughby on receipt of the above inteligence. We on the same day (7th instant) informed the Government of India of the death of His Highness, with an intimation that the proceedings which may be adopted by this Government, consequent on this event, will without delay be reported to that authority. We beg to enclose copy of a *Government Gazette* Extraordinary, issued by this Government on the 8th instant, announcecing the death of the Raja, and directing that the customary marks of respect should be paid to the memory of His Highness.

* This Minute has been concurred in by the Hon'ble the Governor.

4. We beg to forward with this despatch copy of a letter from Mr. Frere, dated the 3rd instant, to which we beg to call attention, reporting the particulars of an interview which, at the request of His Highness, took place between himself and that gentleman on the 1st instant. At this interview His Highness principally confined himself to an expression of his hope that Government would sanction a handsome provision from the the Sattara revenues for the support of the Child* born of indigent parents, alluded to in our despatch, dated the 12th December, No. 133, of 1846, as having

* Now about 6 years old.

* All the works and deeds of H. H. the late Rajah referred to here are duly set forth under para. 88.

been taken under His Highness's protection, and that "the same motives which originally induced the British Government to maintain the throne of Sevajee and Shahoo would now induce them to consent to let him continue the succession in the usual manner by adoption;" and added, that if he obtained permission to adopt, he would select some member of the family of the Bhouslays, and that he trusted Mr. Frere would himself at once sanction or obtain the consent of Government to his adopting a son, in order that His Highness might carry the arrangement into effect without loss of time.'

5. In reply Mr. Frere informed the Raja that he possessed no power to sanction an adoption by His Highness; that he would submit His Highness's request to Government, but that "he doubted whether the Government of Bombay, or even that of India, would feel competent to give an answer, without previous reference to the Honourable Court of Directors, with whom, as sovereigns of India, rested the final decision of such questions." We have entirely approved of Mr. Frere's proceedings on the above question.

We have &c.

(Signed.) L. R. REID.

J. P. WILLOUGHBY.

M. The letter No. 69, of the Political Department dated 15th April, 1848, sent by the Government of Bombay to the Honourable Court of Directors is given in pages 1-2 of the same Official Papers. It relates the circumstances attending the adoption and is as follows:—

(*Extract No.* 313.)

Political Department. 15 April, 1848.

To the Honourable the Court of Directors for Affairs of the Honourable East India Company, London.

Bombay Castle, 15 April, 1848.

Honourable Sirs,

In our despatch, dated the 13th instant, No. 60, we informed your Honourable Court of the death, on the 5th instant, without legitimate issue, of His Highness the Raja of Sattara; and that four days preceding his death, His Highness, at an interview with Mr. Frere, Resident at Sattara, requested that gentleman to obtain the consent of Government to his adopting as his son some member of the family of the Bhouslays.

2. We now beg to forward copy of a letter from Mr. Frere, dated the 6th Instant, reporting the particulars attending His Highness's death, and stating that a few hours before his demise, His Highness, in the presence of Dr. Murray, Civil Surgeon at Sattara, adopted his son a lad named "Wittoja," who traces his origin through Wittoja, the son of Kellojee, the grate-grand-father of Sevajee. In making this adoption His Highness made the following declarations, which he requested Dr. Murray to commit to writing. "I have not the slightest hope of living till the Resident's arrival, I therefore now adopt this boy (calling the boy into the room), Wenkut Row, son of Amboojee Bhouslay Shergamwalla. Keep that paper and give it to the Resident."

3. Mr. Frere has given the following particulars of the circumstances attending this adoption: "The lad adopted by the Raja is of the house of Shedgaum, which traces his

origin through Wittojee, the son of Kellojée, the great grand-father of Sevajee. His father and grand-father were both in the service of the Raja. Up to an hour or two before the adoption, there appears to have been no thought of selecting this boy. The previous evening, the Raja, though fully convinced that his days were numbered, appears to have had no idea of any very immediate danger. He gave orders to have the drafts of yads he contemplated writing got ready for his consideration next morning, and had sent in various directions to have different children of the houses of Bhoslay brought to him, in order that he might select one for adoption. His illness during the night seems to have convinced him that no time was to be lost, and the lad in question was sent for. So unexpected was the summons, that a considerable time elapsed before he was found, and his horoscope produced. The Raja desired the josees to confine their inquiries to the three points, of the boys capacity for rule, his prospect of long life, and of having a family, and the result being favourable, his grand-father, in the father's absence, made him over to the Raja, and he was adopted in the manner related by Dr. Murray. It only remains for me to add that every thing seems perfectly quiet, and the officers of the durbar and the people generally seem quite convinced that their only course is to await in patience the pleasure of the British Government."

4. With a further letter, dated the 7th instant, Mr. Frere submitted the copies and translations of several memoranda, which were drawn up at the dictation of the Raja, several days before His Highnes's death, and having been authenticated by His Highness, were sent by him to Mr. Frere on the evening of the 3rd instant, being a period of two days previous to His Highness's decease. In these memoranda His Highness has stated his wishes in regard to the disposition of his private property, the provision to be made for his widows, dependents, and the orphan boy lately taken under his protection, and has expressed a hope that the lad whom previous to his death he might adopt would be recognized by Government as his successor in the Sattara Raja.

5. Mr. Frere stated, that at an interview which he had with the widows of His Highness, a few hours after his demise, he, in the presence of about 20 of the principal officers of the Sattara State, explained to those ladies, in very distinct terms, the reasons which rendred it impossible for him to recognize the adoption, or to pledge himself to the decision of Government on the subject. Mr. Frere at the same time assurred these ladies that it was the wish of Government to maintain undisturbed all the respect and consideration they had personally enjoyed during the Raja's lifetime, and he besought them to attend to the dying injunction of the Raja, to rely in all things on the British Government, and in every thing to communicate unreservedly with the Resident.

6. In reply to the above report, our Honourable President, who is at present absent at Mahableshwar, addressed on the 10th instant, the following letter to Mr. Frere: "In acknowledging the receipt of your letters Nos. 31 and 32, dated the 6th and 7th instant, I have no other instructions to convey than those given to you personally in anticipation of the Raja's demise."

"I learn from these reports, and especially from the 11th and 12th paragraphs of that of the 6th instant, that you are conforming exactly to those instructions, and that the Chiefs, Ministers, and widows of the late Raja seem to be perfectly satisfied to abide by the arrangements which you have accordingly adopted for conducting the Government of the Sattara territory pending the determination of the question of succession.

"The unhesitating manner in which all the Members of the Court, on your explanation, recognised at once the propriety of your abstaining from acknowledging the child, who a few hours before had been adopted with all ceremony by their dying Raja in their presence, and the cordiality with which all persons appear to be carrying on their appointed duties under your superintendence and directions, testify the weight and estimation which your conduct of the duties of British representative at Sattara had acquired for your counsel.

"I wish you to express on the part of the Government to Dr. Murray the approbation with which his proceedings on the day of the Raja's demise are viewed. He evinced great judgment in a position of difficulty and considerable delicacy.

"For the due discharge of your present labourious duties, it will be indispensable for a time that you should have near you some assistant whom you can employ at all hours, and confidentially; I authorize you, therefore, to request the officer commanding at Sattara to allow you to select any qualified young man whose services he can temporarily dispense with."

7. In a Minute, dated the 11th instant, copy of which accompanies this despatch, our Honourable President has stated it to be his intention to record "a further minute, which will contain the remarks he has to make regarding the measures to be taken consequent on the adoption of a son by His Highness previous to his decease."

I have &c.,

(Signed) L. R. REID,

J. P. WILLOUGHBY.

N. It would transgress the proper bounds of a memorial like the present, were I to give a detailed account of the letters sent by my husband in his lifetime and by me since his lamentable death in April, 1848, to the time when the reins of Government were taken from our hands by the British Government—to give a detailed account of the reports that were made on those letters by the Honourable Sir Bartle Frere—of the reports made from the Political and Secret Departments by the Government of Bombay to the Government of Calcutta, to the Honourable the Court of Directors, and to their Secret Committee—of the resolutions passed at particular times by the Honourable Court of Directors and the Orders issued by them to the Government of Bombay or India and the orders issued to the Resident of Sattara by the Government of Bombay. But it has been necessary to give at least a bird's eye view of all these things; and a full list of the most important statements, evidence, and decisions recorded, or the correspondence relating to our territories, with their dates, numbers, and due reference to the *Parliamentary Papers* are concisely collected below:—

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O. In making selections in this appeal from various authors, I have given direction to my old Durbarees as to how far they should be quoted.

P. I have prepared this appeal in manuscript and take upon myself to make any alterations or additions in carrying it through the press. In case I be prevented by illness or death from completing the printing, I appoint my son to carry it through, as I have empowered him to do every thing on my behalf after my death.

Q. I have this day sealed this appeal as also several other papers such as my WILL and letters to your Majesty and the Bombay Government. Being unable to hold the pen for signing them with my own hand, owing to my extreme illness and the shaking of the hand, I required another's assistance to sustain the pen. Owing to this circumstance my present signatures may not be exactly like my former ones. But I will satisfy the Acting Political Agent Mr. Grant as to their authenticity when he comes to see me.

101. NOBLE QUEEN: very humbly and respectfully do I place before your Majesty my solicitations in this appeal to which I earnestly crave your Majesty's most careful and gracious consideration.

Under paragraph 2, I have stated that our family and relatives at Nagpore, Sondhawada, Nepal, Banshendra, Tanjore, Kolapore, Odeypore, have ruled or are still ruling in this country. Under para. 4, it is shown how that the Maharaja Sivajee Chhatrapatee established an Empire in the 17th century, which he and his several descendants ruled. Under para. 11, it is told how that the Hon'ble East India Company without rightful cause or excuse deprived us of our principality and sovereign rights, and also that in this Memorial is the first appeal presented to your Majesty since the unjust annexation in 1849. Under paras. 12 and 13 it is confessed that however eloquently I might plead and however cogently my claims were proved I can never hope to succeed in my humble but earnest petition unless your gracious Majesty and your wise Councillors should be favourably disposed to listen to my prayer under a sense of fairness and justice; and it is owned that if, unhappily, these should be inclined to the evil counsels which swayed the Company, they could, without the least trouble, at once confound me your suppliant and my appeal by the overwhelming strength of their might and by skilful but fallacious pleas. Hence it is my earnest prayer that your good Majesty the Empress of this great land should not permit such refusal to hear my pleas, thereby causing such a contingency as an utter denial of justice to take place. Under paras. 16-22, I have explained why I have so long delayed to present this appeal. Paras. 24-30 state good reasons why it is fitting that your Majesty should entertain such an appeal against the unrighteous and arbitrary decision of the East India Company. Under paras. 32-45, I have stated why I submit this Memorial at the present time.

Paras. 47 and 48 give the texts in English, Marathi, and Persian of the Treaties of perpetual friendship and alliance concluded on the 25th of September, 1819, by the Maharaja Pratap Sing and in 1839, by His Highness the Raja Appa Saheb Maharaja, my late husband, with the East India Company. Under paras. 49-52 and paras. 54 and 55 are given the interpretations and established meanings of the essential English, Marathi, and Persian words occurring in the Treaty. These interpretations are given from works of the highest authority. Paragraph 53 quotes the preamble of the Treaty in the original Marathi as at first drawn up and finally ratified, thereby strengthening our claims and proving that our political rights are unimpuguable. The views of Mr. Reid and his pleas to excuse the

annexation are given under para. 57; those of Mr. Willoughby to the same effect under para. 58; the Minute of the Earl of Dalhousie under para. 59; the Minutes of Hon'ble Mr. Millet and Major General Sir J. H. Littler under para. 60; decision of the Honourable Court of Directors under 61; and of Sir John Hobhouse, President of the Board of Control and R. D. Mangles, Esquire, under para. 62.

Under para. 63 close comment is made on the words "perpetual friendship and alliance," in the original treaty. Under paras. 64 and 65 the bearing of the words "heirs and successors," are fully elucidated: para. 66 gives full explanation of the words *Iurzund*, *Waris*, and *Kayam Mukam*, which were used in the original, that is, the Marathi Treaty. Under para. 67, it has been stated that the sovereignty is transmissible in perpetuity to the *Mandali* (Maharaja's followers) and the Marathi word "Mandali" has been shown to mean personal followers and officials capable of carrying on a regency, or provisional Government. Though the terms of the Treaty express our obligations to rule in "subordinate co-operation" with the East India Company it is shown under para. 68 that how that condition did not interfere with our sovereign authority and political independence. Para. 69 sets forth all the particulars of the annexation of our sovereignty by the Court of Directors, a transaction which, as is clearly shown, was in open violation of the Treaty of 1819-39, made by the duly authorized officers of the East India Company and ratified by the Governor-General, was contrary to the laws and customs of this country, and dictated by unrighteous desires for political aggrandisement and greed for larger revenues. These propositions are amply corroborated in my paragraphs by the testimony of Sir George Clerk, Sir Bartle Frere, Honourable St. George Tucker, the Honourable Holt Mackenzie, the Honourable Mr. Melville, Sir Robert Campbell, Sir Henry Williams, Major Oliphant, Captain John Shepherd, Mr. John Sullivan, Major-General Caulfield, Colonel Sykes, Major Moore, Sergeant Bain, Mr. John Morris, Mr. Joseph Hume, Mr. Arthur Lewis, Sir Charles Forbes, Mr. George Thompson, Mr. J. Williams, Mr. John Poynder, Mr. J. W. Graham, General Briggs, Colonel Dickinson &c., and other honourable statesmen, and experienced officers of the Honourable East India Company. These wise and excellent men to the number of more than sixty-nine, reproached the Court of Directors for its oppressive and unrighteous dealings with our ancient House. Under para. 71, I have described the antiquity of our family. Under para. 72, I have mentioned how our fore-fathers in later times, that is in the 17th century, established and maintained an independent empire by the power of the sword, and

skilful policy. Para. 73 describes the internal administration of our extensive sovereignty through the Peishwas, and goes on to state the extent and revenues of our sovereignty and the great influence that was exercised by the Maharaja of Sattara my husband's brother, at the time when in 1819, the Honourable East India Company assigned us a portion of our vast dominions and formed a treaty with the Maharaja. Para. 74 proves it to be an erroneous notion that the Honourable East India Company graciously released the Maharaja from the Peishwa's confinement and placed him on the throne of our sovereignty; and it is shown that the Maharaja sought assistance from the Honourable East India Company so as to restrain the Peishwa and restore order to the kingdom. Under Para. 75, I have proved that all the territories captured from the Peishwa by the East India Company belonged to our kingdom and that their administration was conducted under our orders by Bajeerao, who was our dependent. Para. 76 establishes that the Peishwa, their Highnesses Scindia, the Holkar, the Gaikwar, the Raja of Kolapoor, and other princes in the country, as also the Pratinidhi and the rest of the eight Pradhans (ministers) were our dependents, and that it was we who invested with, or divested them of their titles, who declared war and made peace in all the Deccan country and concluded treaties or granted Saranjams.

Under para. 77, I have fully met and refuted the pleas of the Hon'ble Messrs. Reid and Willoughby to the effect—that by the terms of the Treaty our sovereignty could not be continued to an adopted heir; that we required the sanction of the paramount power for the confirmation of that adoption; that seeing, as alleged, we obtained the principality as a favour, the power which ceded it had a right to resume it; that the Marathi and Persian copies of the treaty should be set aside; that the treaty was first confirmed in English, from which it was translated into Marathi; that, therefore, if any question as to the meaning of the treaty, arose its solution rested with the Honourable Company ; that, as Mr. Reid asserted he failed to understand the words *Furzand, Waris, Kayam Mukam*, they were meaningless ; that the Marathi and Persian copies of the treaty were altogether untrustworthy, and of the words "heirs" and "successors" which occur in the English treaty, the latter word should altogether be ignored, only the word "heirs" (meaning lineal descendants only) should be taken into account.

Under para. 78, I have quoted the Minutes of the Earl of Dalhousie, and his colleagues Hon'ble Messrs. Millet and Major General Littler the purport of which is that we were granted the sovereignty of Sattara

without consideration and as a favour, that although the words "heirs and successors" do occur in the treaty the sovereignty could only be continued to the *natural* heirs, and that it entirely rested with the British Government to continue it to an heir by adoption; that further, the British Government was not bound by the laws and usages of India, or by the terms of the Treaty to continue the territory to an adopted heir. His Lordship further contended that the welfare of India and sound policy alike prevented the British Government from recognizing the adoption; that the same reasons which constrained his predecessors to cede the sovereignty to our family could not then he urged in favour of its continuance; that its annexation would grieve neither the princes and chiefs of India nor the people in general, nor would it disturb the peace of the country; that they had before them the matter for consideration the second time and the opportunity of annexing the principality, should not be lost. Paragraph 79 contains the remarks by Mr. R. D. Mangles to the effect that the Maharaja of Sattara being released from confinement was seated on the throne by favour of the East India Company ; that if one of our family was guilty of treason what was there to prevent another from doing the same thing; that by continuing the principality the maintenance of a Resident at the Sattara Durbar and the stationing of forces entailing expenditure were rendered necessary; hence, for saving sake it was expedient to annex our sovereignty. Under this para. also is given the curt decision of the Honourable Court of Directors, to wit, that since my husband and the Maharaja who received the sovereignty died without issue their relations had no claims to it; that the territory should be annexed, and, seeing it was dependent, we could not make an adoption without the sanction of the Honourable Company who were not bound by the treaty to give such sanction. In the same para. I have offered proofs that the decision of the Honourable Company was not based on public law nor principles of justice, and that the Company was not justified in forming that arbitrary decision. In the same para. is also quoted and refuted the Minute of Lord Falkland with the speech of Sir John Hobhouse, president of the Board of Control, assigning as reasons for the annexation of our sovereignty that the Honourable Mr. Elphinstone did not engage to continue our sovereignty to an adopted heir; that the sovereignty was to be continued to "heirs and successors" of whom, as he said, we had none; that we were granted the sovereignty through the Honourable Company and undertook to enter into subordinate co-operation with that body; and that we had, subsequently in a letter addressed by us to the Honour-

able Court of Directors, admitted the supremacy of the Company, therefore we were not independent; that it was the intention of Lord Auckland, Earl of Dalhousie, and the Governor of Bombay to annex our sovereignty; that at a Court of Directors, nineteen members were for the annexation and five against it, and that in a Court of Proprietors, 297 members were in favor of the annexation and 97 against it; that so long as the Government of India was left to the Company they were not bound by orders of any superior authority; that the Rajah to whom the sovereignty was ceded left no natural heir; that if it were continued among his relations it would not be continuing it to the family of Shivaji.

The full refutation of all these audacious though plausible arguments is made in their respective places; thus in para. 80, it has been established that it was very essential to the East India Company in 1818, to secure our sovereignty to us in order to tranquillise the rest of the country and preserve our independence intact. Under para. 81, I have stated the benefits and advantages the Company reaped from the continuance of our sovereignty. Para. 82 embodies the opinions of statesmen like Sir Thomas Munro that we should have had larger territory than was allowed us in 1819. Under para. 83, reply is made to the assertion that our sovereignty was annexed for its being dependent, and to prove its independence. I have summoned such undisputed authorities as the Hon'ble Mr. Elphinstone, Sir Thomas Munro, Lord Hastings, and Captain Grant Duff in support of my argument. Under para. 84, I have stated the opinions of several statesmen of the Hon'ble Company, that independent sovereigns require no permission to adopt a successor to their territories. Under para. 85 it has been proved from competent authorities that by Hindu law and usage of the country an heir adopted by us becomes a rightful heir to the throne even in supersession of blood relatives. In para. 86, I have shown that in 1749 and 1777 we adopted heirs to the throne without the permission of any one, and that they were acknowledged as heirs and successors by the Peishwa, their Highnesses the Nizam, Holkar, Scindia, Gaikwar, and other Sirdars. Para. 87 gives the rules laid down by the statesmen of the East India Company regarding the interpretation of treaties concluded with native princes and chiefs. Under para 88, I have shown with authority that we ruled our people with justice and that our subjects were happy under our sway. In para. 89 I have recorded some highly important historical facts, viz., that the Hon'ble East India Company concluded more than 250 treaties and engagements in India, and that during the period between 1826 and 1846 no less than 18(eighteen) adoptions were permitted to native princes and chiefs and such adopted heirs were recognized as their successors by Lord Amherst, Lord Ben-

tinck, Lord Auckland, and Lord Metcalfe. As regards the States of Indore, Dutteeyah, Orcha, Kotah, Odeypore and Dungeerpore, the permission to adopt was granted to their princes during their lives; but in the case of Scindia and Holkar and the States of Dhar, Kishengur, Kerowlee the *Mothers* and *Ranees* of their Rajas adopted successors to them *after* their death and the British Government recognized those heirs. As for the State of Banswarra after the failure of the princely dynasty a sovereign was elected to the Gadi by the officials and courtiers and the Hon'ble Company confirmed him. It is thus established by abundant proofs, on comparing, as regards each of these adoptions, the treaties concluded with those states by the East India Company with the treaties concluded with us, that the Treaty made with us rests on firmer and higher ground than most, if not all of them. Under para. 90, I have adduced instances to show that the Honourable East India Company, courting friendship with the princes and chiefs of this country entered into friendly treaties with them and acted faithfully when they found that their interest would thereby be best served. But as those interests became more secure the Company violated treaties and seized territory from their allies and former Government. Under para. 91, I have noted the sentiments of some of the Company's statesmen, that though the Hon'ble Company was become formidable by the power of their arms and that there was no one able to resist them in the country, still that Company was not justified, in annexing principalities and kingdoms by violating treaties. Under para. 92, I have stated the matured opinions of such experienced statesmen as Sir Thomas Munro, Sir John Malcolm, and the Hon'ble Mountstuart Elphinstone, that an increase in the number of the native states in India, whether dependent or independent, was altogether favourable to strengthening the possessions of the Hon'ble Company. Para. 93 cites the opinions of Sir John Malcolm, the Hon'ble M. Elphinstone, Sir Henry Russel, General Walker, and Sir Thomas Munro that the absorption of native states would in the end prove fatal to the Company's best political interests. Under para. 94, I have added the remark of Sir John Malcolm that though the princes and chiefs of India were powerless to take arms against the Hon'ble Company in case that Company seized their territories, still they would remain disaffected and would not hesitate to join the Company's enemies at some opportune moment. Para. 95 contains the opinion of the Honourable Sir Bartle Frere that if we sued the Company in a Civil Court for the seizure of our revenues and sovereignty such actions would probably lead to our being indemnified. Under para. 96, I have stated that the Company not only deprived us of our sovereignty but seized most of our dwelling

places and passed an order to take possession of the palace and the rest after my death; that we were every way oppressed and disgraced; that the local authorities were bent upon extinguishing the veneration paid by the people to our family, and are seeking in fact to obliterate the memory of it from their very minds. Under para. 97, I have named the chiefs and princes who since 1858, the year when your Majesty took the reins of Government of this country, have received special permission to adopt from your Majesty who has justly continued their principalities to their adopted successors. Under para. 98, I have stated the revenue and expenditure of the annexed State of Sattara. Para. 99 describes the miserable state that would be the lot of our family after my death. Under para. 100, I have made known several matters which could not appropriately be brought under any of the preceding sections and yet which were too important to be omitted.

Finally; most Gracious Queen and August Empress of India, in order that I may, at last, have justice and fair play at the hands of your Majesty's Counsellors I have tender this Memorial at the foot of your Majesty's throne in all humility, but with a fervid hope, feeling confident that this appeal is conclusively based on searching enquiry and well tested information, and that it is supported by the undisputable authority of such experienced British statesmen of the first order as the Honourable Mountstuart Elphinstone, Sir John Malcolm, Sir Thomas Munro, Lord Hastings, and others. Hence it is my humble prayer to your venerated Majesty and your just and generous Ministers that they should consider this Memorial with an open mind and liberal heart. And if deemed necessary, I trust that while any enquiry regarding this appeal is pending, my son may have permission to adduce fresh evidence, or by other suitable means endeavour to establish my claims; and if any doubt arise during investigation your advisers should ask for its explanation, and only after receiving such, should then decide it according to the dictates of justice and sound policy. It is true that this Memorial having exceeded usual bounds its examination will necessarily be a work of labour and time; hence, rather than that any hasty adverse decision be arrived at I beg your Majesty will be pleased to appoint an impartial Commission, either in India or England, before which can be produced all needful evidence either by myself, or, if that be found impossible, by my son Rajaram Maharaja who is my successor to the movable and immovable property and to the rights of the Raja as laid down in section 1 of the last preceeding para. of this appeal. By the treaties of "perpetual friendship and alliance" concluded in 1819 and

1839 with us by the Honourable East India Company, our sovereignty ought to continue uninterruptedly from generation to generation. It is with this view that after the words *Furzand* and *Waris*, and in case all lineal descendants and kinsmen failed, the expression "Kayeem Mukam" was used, meaning our followers and dependents by whom the sovereignty was to be continued and the succession arranged for. By these Treaties, and in accordance with Hindu Law, ancient usage, and revised custom we are authorised to make an adoption; and the heir thus adopted is by Hindu Law and the decisions of the Honourable Company's statesmen alike entitled to succeed to the sovereignty. Hence illustrious Queen I have ventured to show you that the Honourable Company seized our principality from unworthy motives and desires for aggrandisement, and that the grounds set forth for its confiscation are altogether erroneous and wrong.

Therefore, if, as I trust under a sense of grave responsibility, your gracious Majesty should perceive the justice of my claims and the righteousness of my cause, your all puissant Majesty and the great British people over whom it is your grand prerogative to rule, have the power to restore our perpetual sovereignty to me and to my heirs, and thus to revive the political history and public self-respect of the Mahratta peoples.

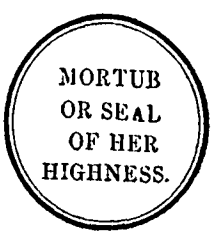
Concession to this my humble prayer will lay me and my heirs under everlasting obligations to your illustrious Majesty.

Thus the contents of this appeal extend in all over 101 paragraphs.

This appeal is signed by me in person this day, the 14th of March, 1874, and sealed at the fold of every sheet.

(Signed) SAGOONA BAEE SAHEB

Maharaj Khasa.



APPENDIX No. I.

I have alluded in para. 3 of this appeal to the great antiquity of our house in India and referred to this appendix for a list of the principal of its members. The following is a list containing names of the most distinguished of my ancestors who flourished in various parts of India :—

No.	Name.	No.	Name.	No.	Name.
1	2	1	2	1	2
1	Not known.	29	Haryas'va.	59	Khaṭavâṅga.
2	Not known.	30	Aruṇa.	60	Dîrghabâhu.
	1. Marîchi, the founder of the solar race.	31	Nibandhana.	61	Raghu.
		32	Tris'anku.	62	Aja.
	2. Atri the founder of the lunar race.	33	Haris'chandra.	63	Das'aratha.
		34	Rohita.	64	Râmachandra (incarnate.)
3	Marîchi.	35	Champa.		
4	Kas'yapa.	36	Sudeva.	65	Kus'a.
5	Vivasvân.	37	Vijaya.	66	Atithi.
6	S'râdhyadeva, one of the 11 sons of Manu.	38	Bharuka.	67	Nishadha.
		39	Vṛika.	68	Nabha.
7	Ikshvâku.	40	Bâhuka.	69	Puṇḍarîka.
8	Vikukshi.	41	Sagarasârvabhauma.	70	Kshemadhanvâ.
9	Puranjaya.	42	Asamanjasa.	71	Devânîka.
10	Anenâ.	43	Ams'umân.	72	Anîha.
11	Pṛithu.	44	Dilîpa.	73	Pâriyâtra.
12	Vis'varandhi.	45	Bhagîratha, the creator of the Bhâgîrathi.	74	Balasthala.
13	Chandra.			75	Vajranâbha.
14	Yuvanâs'va.	46	S'ruta.	76	Khagaṇa.
15	S'âbasta.	47	Nâbha.	77	Vidhṛiti.
16	Bṛihadas'va.	48	Sindhudvipa.	78	Hiraṇyanâbha, (disciple of Jayamini.)
17	Kuvalayâs'va.	49	Ayutâyu.		
18	Dṛidhâs'va.	50	Ṛituparṇa.	79	Pushya.
19	Hâryas'va.	51	Sarvakâma.	80	Dhruvasandhi.
20	Nikumbha.	52	Sudâsa.	81	Sudars'ana.
21	Barhaṇâs'va.	53	Kalmâshapâda.	82	Agnivarṇa.
22	Kṛis'âs'va.	54	As'maka.	83	Shîghra.
23	Senajita.	55	Nârikavacha, who lived in Paras'urâma's time.	84	Maru, who lived at Kalâpagrâma.
24	Yuvanâs'va.				
25	Mândhâtâ.			85	Prasus'ruta.
26	Purukutsa.	56	Das'aratha.	86	Sandhi.
27	Trasaddasyu.	57	Aiḍavida.	87	Amarshaṇa.
28	Anaraṇya.	58	Vis'vasaha.	88	Mahas'vâna.

No.	Name.	No.	Name.	No.	Name.
1	2	1	2	1	2
89	Vis'vas'âvha.	125	S'atânîka, who reigned at about Vikrama Era 134 residing in the fort As'ara.		1. Jalpalvâle.
90	Bṛihadbala.				2. Devarâjâjî.
91	Bṛihadraṇa.			143	Devarâjâjî came into the Deccan and took the name "Bhosâvanta" whence the name Bhonsle.
92	Urukriya.				
93	Vâtsavṛiddha.	126	Kṛitakârya.		
94	Prativyoma.	127	Tîvrasinva.		
95	Bhânu.	128	Minzasinva.		
96	Divâka.	129	Aja (heir apparent of Mevâḍa).		1. Mahâdeva Khanavalî Hingni Deulgâvakara, Wavî and other houses Nagpore.
97	Sahadeva.				
98	Vîra.	130	Jayasena, who propitiated the goddess Pârvatî, and obtained a philosopher's stone and sovereignty.		2. Indrasenajî.
99	Bṛihadas'va.			144	Indrasenajî Mahârâja.
100	Bhânumâna.			145	S'ubhakṛishṇajî Mahârâja.
101	Pratîkâs'va.				
102	Supratîka.			146	Rûpasinvajî Mahârâja.
103	Marudeva.			147	Bhubhindrajî Mahârâja
104	Sunakshatra.	131	Subhânasinva (erected the fortress of Chitoḍa).	148	Dhapajî Mahârâja.
105	Pushkara.			149	Barahattajî Mahârâja.
106	Antariksha.			150	Khelojî Mahârâja.
107	Sutapâ.	132	Pṛithvîpâlâ.	151	Karṇasinva Mahârâja.
108	Amitrajit.	133	Surajasinva.	152	Śambhâjî Mahârâja.
109	Bṛihadrâja.	134	Mahâsena.	153	Bâbâjî Mahârâja. His sons.
110	Barhî.	135	Pratâpasena.		
111	Kṛitanjaya.	136	Suhagasena.		1. Mâlojî Mahârâja.
112	Raṇanjaya.	137	Sumersinva.		2. Vithojî.
113	Sanjaya.	138	Laxmaṇasinva, who fought for Padminî. His sons,	154	Mâlojî Mahârâja's.
114	S'âkya.				1. Son, Sorifjî called himself Surave and lived in Kanaveti hence called Kanavetakara.
115	S'uddhoda.				
116	Lângala.				
117	Prasenajita.		1. Sajjanasinva.		
118	Kshudraka.		2. Arasinva, the founder of the Udepore Dynasty.		
119	Raṇaka.				
120	Suratha.	139	Sajjanasinva, who obtained Kingdom of Sundhavâḍî.		2. S'âhâjî Mahârâja.
121	Sumitra (slain in Vikrama's times). His son,			155	S'âhâjî Mahârâja (lived at Nagara and Vijâpore and was a Vajîra there.) His sons,
		140	Dilîpasinva.		
	1. S'atadhanva, the progenitor of the Sisoda family.	141	Sinvâjî Mahârâṇâ. His sons.		1. Sambhâjî Mahârâja slain in battle.
			1. Sodhavadkara.		
122	S'atadhanva.		2. Bhosajî Mahârâṇâ.		2. Venkojî Râje found-
123	Mahasena.	142	Bhosajî Mahârâṇâ's sons,		
124	Kṛitavarmâ.				

No.	Name.	No.	Name.	No.	Name.
1	2	1	2	1	2
	ed the house of Chedichandavara (Tanjore).		2. Râjârâma Sâheb (founder of the house of Karavîra).		heb (died when young).
	3. S'ivâjî Mahârâja.	157	Sambhâjî Mahârâja.		3. S'âhâjî Mahârâja *alias* Apâ Sâheba.
156	S'ivâjî Mahârâja established, protected Hindu religion, delivered his country from the Mahomedan oppression and founded the Mahrattâ Empire. His sons,	158	S'âhu Mahârâja extended his sway in most parts of India.	161	Pratâpasinva Mahârâja.
				162	S'hâjî *alias* Apâ Sâheba Mahârâja.
		159	Râma Râje Mahârâja.	163	Venkâjî Mahârâja.
		160	S'âhu Mahârâja Dhâkate, his sons.	164	Râjârâma Mahârâja *alias* Âbâ Sâheb Mahârâja.
	1. Sambhâjî Mahârâja.		1. Pratâpasinva Mahârâja.	165	S'ivâjî Mahârâja *alias* Annasaheb Mahârâja.
			2. Râma Râje Mahârâja *alias* Bhâû Sâ-		

Sattara, 14th March 1874.

APPENDIX No. III.

The following statement of the business transacted by Her Highness Shreemant Saguna Baee Saheb Maharaja on 14th March 1874, is here appended by Her Highness' son and successor (Shreemant Rajaram Maharaja) who considers it incumbent on him to do this :—

A. On 14th March 1874 at 7 A. M. Her Highness invited the (Acting) Political Agent of the Sattara Districts Mr. G. H. Grant C. S. to her palace : taking her seat at the Kutchery in the usual manner she conversed some time with the Agent, after which Her Highness handed over to him the following papers :—

a. A *Khureta* addressed to Her Majesty, the Queen of England and Empress of India.

b. A lengthy letter addressed to His Excellency Sir Philip Wodehouse, Governor of Bombay.

c. A summary or abstract of her Memorial in appeal against the unjust annexation of our principality by the late East India Company.

d. The last will and testaments of Her Highness.

B. Other documents, which, being duly registered, were at the same time sent directly to the Bombay Government.

C. On the same day an intimation of those papers being presented was conveyed to the Governments of India, and Bombay, and His Excellency the Secretary of State for India by telegram.

D. The following yadis (or official memoranda), were also delivered to the Political Agent on the same day by Her Highness.

a. A *yad* requesting the Political Agent to forward through the Bombay Government the short summary of Appeal against the annexation of our *Raj* by the Hon'ble the late East India Company, and the *Khureta* to Her Majesty the Queen as handed over. This *yad* also intimates that the Memorial *in extenso* contains about 300 sheets which it was intimated would be translated into English and printed copies of the translation would be forwarded within three months.

E. Another *yad* containing a list of papers handed over to the Political Agent and those sent directly to the Bombay Government, is as follows :

a. *List of papers* delivered to the Political Agent is as follows ;

1. A *Khureta* addressed to Her Majesty the Queen.
2. A *Khureta* to His Excellency the Governor of Bombay.
3. A summary of the Memorial of Appeal to Her Majesty the Queen.
4. A copy of a *yad* addressed to the Political Agent.

b. *List of papers* directly forwarded to Bombay Government.

1. A *Khureta* to Her Majesty the Queen.
2. A *Khureta* to His Excellency the Governor of Bombay.
3. An abstract or summary of the Appeal to Her Majesty the Queen.

c. *List of other papers* made over to the Political Agent.

1. Sealed will of Her Highness.
2. The Memorial of Appeal in the original Marathi, which was taken back for translation.
3. Another *yad*, in answer to the question of the Political Agent, stating that the papers handed over on 14th March were all prepared by Her Highness and were authentic.

4. Another *yad* acquainting the Political Agent with all particulars alluded to in the summary of Appeal being delivered to the Political Agent, also particulars of a sealed packet addressed to some of the Princes and Chiefs of India; to two separate wills relating to the movable and immovable property to be sent to him afterwards; two friendly letters sent in the Rani's private capacity to His Excellency Sir Philip Wodehouse and to Her Majesty, Queen Victoria; and with requests to the Political Agent to convey Her Highness' farewell compliments to her sincere friends and well-wishers, the Hon'ble Sir Bartle Frere, Sir Philip Wodehouse, Sir Richard Temple, the Hon'ble Mr. Chapman, the Hon'ble Mr. Tucker, Mr. W. H. Havelock, Revenue Commissioner of the Bombay Presidency, and Mr. J. R. Arthur, Collector and Political Agent, Sattara.

APPENDIX No. IV.

The following are papers submitted to the Governments of Bombay and of India since the demise of Her Highness Shreemun Saguna Baee Saheb Maharaja on 24th March 1874, by Her Highness' son and heir, Shreemunt Rajaram Maharaja. :—

A. A *yad* consisting of 17 paras. submitted to Sir Philip Wodehouse, K. C. B., Governor of Bombay, on 16th April 1874, runs as follows :—

To

THE RIGHT HONOURABLE
SIR PHILIP EDMOND WODEHOUSE,
K. C. B., & G. C. S. I.,
Governor and President in Council,
Malcompeith.

THE RESPECTFUL MEMORIAL OF SHREEMUN RAJARAM MAHARAJ *alias* ABASAHEB MAHARAJ OF SATTARA.

SHOWETH,

That your Excellency's memorialist is a descendant of Shreemun Chhutrapati Siwajee Maharaj, the founder of the Maratha Empire and the adopted son and heir of their late Highnesses Shreemun Chhatrapati Shahajee Maharaj *alias* Apasaheb Maharaj, the sovereign of the Sattara dynasty, and of Suguna Baee Saheb *alias* Aee Saheb Maharaj.

2. That your Excellency's memorialist's father had on the 22nd day of April, 1848, authorized your memorialist's eldest mother, the late Ranee of Sattara, to make an adoption and intimated officially the same to the Honourable Sir Bartle Frere, the then Resident at Sattara. However your memorialist's parent during his lifetime had adopted Shreemun Vyankojee Maharaj. Your memorialist therefore ventures to say that the authority which is required by Hindoo Law to a wife from her husband to make an adoption, has in the present case been fully secured.

3. That your memorialist's brother Vyankojee Maharaj suddenly died in 1864, without an issue of his own body and without being able to make an adoption, then the right

of adoption was to devolve upon his wife but unfortunately that lady had died before him. Then with a view that the royal line of your memorialist's family should not come to an end, your memorialist's mother, under an authority from her husband as stated in para. 2 and after obtaining an assent of the Bombay, India, and Home Governments, has adopted your memorialist in 1865. Your memorialist's adoption by his mother is fully in accordance with the dictates of Hindoo Law. By this adoption your memorialist has succeeded to all the claims and rights of his brother, mother and of his family, and the Hindoo Law and the opinions of best Shastrees in the country fully confirm this assertion.

4. That since May last when your memorialist's mother paid a visit to Mahableshwar Hills, she fell sick and her bodily derangements gradually increased, although religious performances, as well as medical attempts were not spared for her recovery. During the last month, when Her Highness had lost every hope of recovery Her mind was directed towards Her future prospects and management. Her Highness, after obtaining permission of the Government of Bombay and of the Political Agent at Sattara, drew up a memorial in the shape of an appeal to the address of Her Majesty the Queen Victoria against the unjust annexation of Her Sovereignty by the Honourable the Court of Directors of the East India Company in 1849. Her Highness did also write letters to Her Majesty the Queen of England and Empress of India, to your Excellency and to some other Government authorities intimating to them the submission of the appeal and soliciting their aid in removing future difficulties of Her family. Her Highness has also executed wills and testaments authorizing your memorialist to exercise Her royal rights as well as Her private claims and left directions for the management of Her estate in Her absence. Your memorialist's mother has also with good foresight written a letter to some old adherents and dependants of the vast empire of Her ancestor's, requesting them to be of assistance in using their influence on your memorialist's behalf with Her most Gracious Majesty the Empress of India and has also directed your memorialist to communicate, with the consent of Government, to those chiefs the purport of the letter in case Her Majesty's Governments in India and at Home will not unfortunately extend their helping hand in upholding the fallen and neglected position and claims of your memorialist's family. Her Highness has placed the same in a sealed packet which was handed over to the Political Agent of Sattara.

5. That on the 14th of March, 1874, Her Highness invited the Political Agent of Sattara to the palace, and at a personal interview with him in the Court, as usual, Her Highness has submitted an abridgment of an appeal addressed to Her Majesty the Queen Victoria and showed some other papers such as wills, testaments and the detailed memorial of the appeal extending over 300 sheets and also handed some other papers to be disposed of in the manner desired. Her Highness also intimated in writing that to translate into English the Maratha original copy of the appeal and to print it for the convenience of readers would require at least three months' time and begged the Political Agent to request Government that until she Herself or your memorialist has furnished evidence in print, the Government should not finally dispose of Her case as put forth in an abridged appeal. The Ranee has also authorized your memorialist to furnish all sorts of proofs and evidence in support of the assertion of your memorialist's claims and to prosecute and exercise Her Highness' royal rights.

6. That the Honorable East India Company made a treaty of perpetual friendships and alliance with your memorialist's uncle in 1819, and subsequently renewed it with your memorialist's father in 1839, when his uncle was deposed. By the terms of

both of these engagements the soveriegn rights of your memorialist's family are to be permanently exercised by a reigning prince his Furzund—that is an issue of his own body, or in default of whom by his heir (Waris) and, as the treaty is to last so long the sun and moon endure, a provision is made in the treaty itself that if there is none to succeed to the sovereignty from the royal line of princes, or if there is no heir then the Kayem Mukam—that is the servants, dependants etc. are to enjoy the sovereign rights. The Earl of Dalhousie and the civil members of the Bombay Government namely Messrs. Willoughby and Reid influenced by self interest of the Company's Government disregarded the engagements of the solemn treaty and proposed most unjustly and unkindly to bring the treaty to an end. The Court of Directors of the East India Company being unable to resist the temptations of your memorialist's sovereignty, gave an assent on the 6th of January, 1849, to add it to the British dominions in India. The Honourable Court did not pay their attention, in the least, towards the motives which had induced the British Government to espouse the cause of the descendants of His Highness Chhatrapati Sivajee Maharaj in 1818, and also regarding the great end which the British Government have attained thereby. Statesmen like Sir Thomas Munro, Honourable Mountstuart Elphinstone and Lord Hastings have recorded their opinions and passed resolutions in 1818, that your memorialist's sovereignty should never come to an end and it was ever to be held as an independent State. Statesmen like Sir Bartle Frere, Sir George Clerk, Mr. St. George Tucker, Sir Robert Campbell, Honourable Holt Mackenzie, Mr. John Sullivan, General Briggs, Sargeant Bain, Major Moore, Mr. John Morris, Sir Henry Willock, Lieut.-Colonel Sykes, Major Oliphant, Mr. Joseph Hume, Mr. Graham, Mr. John Williams, Mr. Charles Grant, Mr. James Stuart Forbes, Mr. Charles Forbes, Mr. Aurther Lewis, Honourable W. Melville, General Caulfield and many others not less than 96 in number strongly protested against the annexation and openly said that the national honour has been compromised by the breach of this solemn treaty; but the Right Honourable Sir John Hobhouse, the president of the Board of Control, disregarded the solemn warnings and the annexation of your memorialist's sovereignty was completed. However your memorialist does not make an attempt to treat this question in this memorial as it is a point connected with the appeal against the annexation of his sovereignty and will be separately treated at length in the detailed printed memorial (of Her Highness).

7. That owing to your memorialist's great misfortune, his mother departed from the happiness of the world and left him alone to care for himself and her numerous heredatory dependants and retinue. However in a letter that the Ranee addressed to Her Most Gracious Majesty the Queen of England a few days before her demise, Her Higness has therein said that she has placed your memorialist in Her Majesty's lap and had quietly submitted herself to suffer the agonies of her last.

8. Consequent upon the death of his late lamented mother, the authorities at Sattara have, to your memorialist's excessive sorrow and regret, sent him a Yadi intimating that the political allowance of Her Higness has ceased and demanded the possession of palaces and other buildings and stating also that steps have been taken to withdraw 167 Gadkurees and 26 Police constables. The authorities have, not only, aggrieved your memorialist by the steps thus taken but have also been obliged to treat your memorialist in a manner and style scarcely used by Government, towards your memorialist's family. Your memorialist humbly begs to say that such treatment is not even due towards the families who have or had evil intentions or designs towards the Government, whilst your memorialist's father and mother ever acted loyally with the British upon a supposition and confidence that they are their allies and friends. In several in-

stances Government have forgotten and forgiven the crimes of their evil wishers and treated their families as if sin of a father does not inherit on a child. Whilst your memorialist's family is an ally and friend of Government is such treatment due to them ?

9. Your memorialist's mother has submitted an appeal against the annexation of her sovereignty on the 14th ultimo to Her Majesty the Queen of England and your memorialist is confident by the generosity and justice, Her Majesty and her Majesty's Statesmen are renowned for, to secure justice towards his fallen and neglected claims. Therefore your memorialist solicits your Excellency's special favor that the arrangement which was made for your memorialist's mother by Government should not be altered until at least, the decision of Her Majesty's Government of the British Parliament is not pronounced. Your memorialst further solicits your Excellency to warn the local authorities of Sattara not to execute the orders of Lord Dalhousie's time until your Excellency shall be thoroughly acquainted with your memorialist's unhappy case. Honour and respect once lowered will not be retrieved. To give an indulgent consideration for the aversion of your memorialist's grievances, your Excellency in Council has an encouragement by the royal Proclamation issued by Her Majesty in 1859, and the change for the better of the Policy of Government since the direct assumption by Her Majesty of the reins of Her Indian Government, and as also that your Excellency's and Home Governments will never like such evil treatment towards the family of the founder of the vast empire in India. Your memorialist lays in the following paras. before your Excellency in Council certain grounds for the nonalteration of the arrangements that have been made during your memorialist's mother's life time.

10. That after the annexation of your memorialist's state, the Honourable Sir Bartle Frere, the then Resident of Sattara, has submitted his report to the Government of Bombay, No. 147, of the 7th November, 1849, regarding the maintenance and other arrangements for your memorialist's royal family. The Government of Bombay, after obtaining an assent of the Government of India, passed a resolution No. 2185, dated the 13th May, 1850, assigning an allowance of Rs. 1,00,000 to your memorialist's three mothers and promising that with a death of any of these ladies the Government would consider regarding the continuance or otherwise of the allowance that was to lapse by such death. This resolution of Government has not been acted upon since its passing. Upon a proposal of the Honourable Sir Bartle Frere, the Government of Bombay, with the concurrence of the Government of India, passed an order in the 8th paragraph of the said resolution that after the death of the eldest Ranee, Her Highness Sugunabayee Saheb, Government would take into their favourable consideration the claims of Her adopted son and if they then think it necessary, will continue to him an allowance of Rs. 7,500 per mensum in perpetuity. As stated in para. 3 of this memorial your memorialist has succeeded by Hindoo Law and Custom of the Country to all the rights and claims of Her Highness and stands in the same place which was once occupied by his elder brother Vyankojee Maharaj. Such a resolution once passed by the Government of Bombay with reference to his elder brother, was solely upon the understanding that he was an adopted son of Her Highness and an heir to the house of His Highness Sivajee Maharaj. As your memorialist stands exactly in a similar position by the Hindoo Law and Custom of India, he most humbly and respectfully prays that the allowance once promised by Government may be continued to him. This act of kindness and justice on the part of your Excellency in Council will enable your memorialist to keep up the present position of his family and to support himself and his numerous dependants etc.

11. That in the year 1849, it was not only that the royal family of your Memorialist was deprived of its royal splendour, but although Honourable Sir Bartle Frere and Mr. Ogilvy protested against the resumption of the buildings now in the hands of your Memorialist, still the Government of Bombay has unfortunately passed a resolution in 1850, to resume these buildings after Her Highness's death and authorities at Sattara are impatiently executing such unkind and unjust orders. From this your Excellency in Council, will easily perceive that no other act of greater violence could be done than to deprive your Memorialist of the places of his residence. To review and alter such evil resolutions your Memorialist begs to submit such grounds as the following :—

1. That the present policy of Her Majesty's Government is most generous and just and your Excellency's Government and even the British Parliament are sure to feel for and reverse such unkind acts of Earl Dalhousie.
2. Sir Bartle Frere and Mr. Ogilvy proposed in 1849, 1850 and 1851 to the Government of Bombay that this question regarding your Memorialist's buildings should be considered after Her Highness's death.
3. As Government oftentimes expend abundance of money on the erection of buildings and sometimes dispose of them or pull them down without the slightest hesitation for their original cost.
4. Your Memorialist's buildings in question are not worth even if sold more than 30 or 35 thousand rupees in all, and as some of them were built 45 or 50 years ago, they are now in a most dilapidated state.
5. Three wretched and inconvenient buildings which are situated in different parts of the town and were built by the late Sovereigns of Sattara 50 years ago for the use of dancing girls, have, with the benevolence of Earl of Dalhousie, been assigned for the benefit of your memorialist. These buildings are on the point of coming down and are also so inconvenient as will not accomodate one of your memorialist's different departments called (Atara kakhane). These three buildings are not worth more than Rs. 6,000.
6. Your Memorialist here cites an example of the selfishness and injustice of the policy at the time of annexation of your memorialist's sovereignty, that Government have not only expected the possession of those buildings built since 1819 but have had also placed their hand upon the buildings erected by your memorialist's ancestors.
7. When His Highness Chhatrapati Pratapshun Maharaja was deposed in 1839, the Government of Bombay, with the consent of the Honourable the Court of Directors, made over the old palace and other buildings to your memorialist's father as a free gift on the part of the British Government and when the question of the new Palace and other buildings was settled in 1850, the Government have committed an oversight in recalling the gift to which they had no further claim.
8. These buildings are not urgently required for any government purposes except for the satisfaction of a desire, if any, to get all sorts of Government offices therein and to degenerate the sacred places of the royal household by depriving your memorialist of his ancestral residence.
9. If the Home Government will not sanction the continuance of these buildings for your memorialist's use, he, with a view to remove these grounds of suspicion begs to state that he may be allowed the use of them under the condition that he will pay rent if demanded by Government.

10. Such is the miserable and painful account of your memorialist with regard to his buildings and which he humbly lays before your Excellency for your Excellency's kind and calm consideration.

12. That your memorialist's ancestors have granted lands to Gudkurees and secured their service heredatarily. With the annexation of your memorialist's sovereignty this advantage also passed to the British, and the Government of Bombay, in their resolution No. 165, dated the 13th January, 1852, have only allowed 300 men to take care of Her Highness's property and to accompany Her Highness's processions. The local authorities at Sattara have since reduced the number of Gudkurees from 300 to 167, and at Her Highnesse's death the same number of Gudkurees and 26 Police Constables continue in the service. Now an order is issued by the Collector of Sattara to withdraw these men from your memorialist. By this your memorialist is likely to be put to great inconvenience. As your memorialist has preferred this appeal to your Excellency in Council against all decisions, will your Excellency in Council, be pleased to issue an order not to withdraw the present limited strength of Gudkurees and Police. The Gudkurees render their service for lands which they hold, and the Government by their recent decision in 1865, is to get the moiety of their landed possessions, the annual amount of which will not come to Rs. 6,000 in all. If Her Majesty's Government in England will not sanction the continuance of Gudkurees and Police, your Memorialist begs to assure your Excellency in Council that he will make up any loss of Government for the continuance of them in your memorialist's service.

13. The Government have expressed their desire to the Resident of Sattara in their letter No. 165, of the 13th January, 1852, to give a salute as a mark of honour and distinction to your Memorialist's elder brother and under the same authority your memorialist expects that your Excellency in Council will take into your kind consideration the view of this question and will issue an order to maintain the existing dignity of the house of His Highness Sivajee Maharaj by allowing Salute to your memorialist. The number of 26 constables were placed under Her Highness simply to secure this object and to take care of Her Highness's property.

14. That the Government of Bombay, in their letters to the address of the Resident at Sattara No. 16, and No. 1063, of the 5th January, and 5th March, 1850, respectively, have expressed their desire to treat your memorialist's brother with particular marks of honour and distinction, but as your memorialist's mother had not timely replied the Government reference upon this point, this question was then dropped. As your memorialist stands by 'Hindoo Law' in the position of his elder brother, will your Excellency in Council be most graciously pleased to order the Sattara authorities not to treat your memorialist in so disgraceful a manner as stated in para. 8 of this memorial. Your memorialist only expects for the present that mark of distinction which the Government have been pleased to show towards his late lamented mother.

15. With a view that your memorialist's dignity and respects be secured from the direct process of the M offusil Civil Courts and for such reasons your memorialist solicits that his name may be entered in the 1st class of privileged persons.

16. Having thus laid before your Excellency all these points for your benevolent consideration, your memorialist most earnestly hopes that your Excellency in Council taking into consideration, the antiquity and respectability of this illustrious house, will take a liberal view of the matter submitted for your Excellency's consideration. It is further hoped that the Government will believe the fact that the Policy which was adopted at the time when your memorialist's sovereignty was annexed to the British

dominions in India is not the same as that which is prevalent under the kind auspicies of Her Majesty the Queen Victoria.

17. In conclusion your memorialist craves your Excellency's attention to this representation and begs that an order may be immediately issued to the local authorities at Sattara not to make the slightest alteration in the existing state of things until the final decision of the appeal preferred by your memorialist's mother on the 14th ultimo, against the annexation of Her Dominion is pronounced by Her Most Gracious Majesty's Government or by the Parliament. For this act of justice and generosity your memorialist will ever be grateful.

(Signed) ABBA SAHIB MAHARAJ KHASA.

Sattara, 16th April, 1874.

B. The following is a (translated) copy of the reply to the above by the Bombay Government received through the Political Agent, Sattara, on 3rd July, 1874.

(*Extract, No. 2.*)

TRANSLATION OF THE REPLY OF BOMBAY GOVERNMENT COMMUNICATED THROUGH THE POLITICAL AGENT, SATTARA, DATED 3RD JULY, 1874, TO THE MEMORIAL OF SHREEMON RAJARAM MAHARAJA OF SATTARA, DATED 16TH APRIL, 1874.

A yadi from the Political Agent Saheb Bahadur, Sattara Collectorate, to Meherban Rajaram *alias* Aba Saheb Bhousle at Sattara:—

You wrote a yad on the 16th April, 1874, to the Bombay Government; and Mr. Grant, the Acting Political Agent forwarded it to that Government. A reply has been this day received to it from Government in accordance with which this yad is written to you to the following effect:—

1. Government does not see that you are duly authorized to use the title and seal which you have made use of in the yad above alluded to. Hence, if in future anything be written to Government by you under that title and that seal, it cannot be taken notice of by Government. Besides, I am ordered by Government to inform you that you are probably aware that when the (late) Ranisaheb adopted you and brought the adoption to the notice of Government, Government recognised your adoption to the extent only of the Ranisaheb's private property, not to any greater right.

2. One of the paras. of your yad is to the effect, that a yad has been submitted to the Home Government; and until a reply to it is received the same allowance which used to be paid to her Highness the (late) Ranisaheb by Government should be paid to you; the palace in which you live should remain in your possession and that the Gud-karries and police who were in the service of her Highness the Ranisaheb before should be cont inued in your service. But Government sees no proper reason in any way to hope that the Home Government will decide it in your favour. Hence I am ordered by Government to inform you that Government sees no reason to suspend the arrangements impending on the death of her Highness the Ranisaheb.

3. I am ordered by Government to inform you that Government sees no reason to suppose that there is an analogy between your condition and that of Meherban Venkoji Bhousle whom the Maharaja had adopted. That, however, Government is forwarding the

case to the Government of India to consider whether you are entitled to any and what allowance; but that you are not at all on this account to suppose that your private purse would be taxed for the private servants of the Ranisaheb and for their means of subsistence. This Government is about to dispose of that matter.

4. I am ordered by Government to inform you that Government already decided upon taking possession, after the death of Her Highness, the Ranisaheb, of the new wada in which you live, it being a public *wada*. That accordingly Government will undoubtedly take its possession; but that to obviate an inconvenience to you just now and to afford you convenience, Government has considered that there is no objection to your holding the said public *wada* in your possession till November 1st 1874. That in the interval the necessary repairs to your private house should be made by you.

5. In one of the paras. of your yad you have stated that Government should order your name to be entered on the list of 'Sirdars', hence I am ordered by Government to inform you that it is neither proper nor essential to the rank of 'Sirdars' to maintain at a great expenditure horses, elephants, and a retinue of many followers; and that therefore it is the advice of Government that you should think of reducing such an establishment of heavy expenditure. That, besides, after going to live in your house in the manner befitting your position when Government sees that you have rendered yourself worthy of being entered in the list of 'Sirdars', Government will then take into consideration your request.

6. Government has already resolved to reduce the Gudkarries in the service of her Highness the (late) Ranisaheb, but is now engaged in making proper arrangements &c. for their maintenance.

7. Government is considering the reduction of the police now in your service excepting as many only as are necessary for the protection of the edifice.

8. Government has ordered (me) at once to ascertain what servants in the private service of her Highness the late Ranisaheb deserve pension and what deserve a gratuity.

8 Paras. in all dated 3rd July 1874.

(Signed) J. R. ARTHUR,
Political Agent.

C. The following is an urgent appeal prepared on 16th July, 1874, to His Excellency the Governor General in Council, against the Political Agent's letter quoted under the above para.

(*Extract No.* 3.)

TO

HIS LORDSHIP THE GOVERNOR GENERAL IN COUNCIL,
CALCUTTA.

FROM

SHREEMAN MAHARAJ RAJARAM OTHERWISE ABA SAHEB BHONSALAY OF
SATTARA.

MAY IT PLEASE YOUR EXCELLENCY.

ON the 16th of April last past I addressed through the Political Agent at this place, to the Government of His Excellency Sir Philip Wodehouse, K. C. B., a Memorial (copy of which I beg leave to enclose for reference) reply to which was received by me on the 3rd day of this month, July. Translation of that reply I append to this humble and duti-

ful appeal, praying that you will take into your earnest and generous consideration my remonstrance and objections against the statements and threatened action of the Bombay Government, which, not only for myself but on behalf of my ancient family and princely lineage, I have to lay before your Excellency as Her gracious Majesty's representative in this country.

2. To take first what may seem a small matter, which is also put in front of the Political Agent's reply, I beg to refer to the question of my *Seal* Mortub* (ordinary seal used by all) and title. Your Excellency will, I trust perceive, that there is in this matter some misunderstanding on part of the Bombay Government or Political Agent. The title used by me in address of memorial was (Shreeman Rajaram) Maharaj, which is an hereditary family designation and not a Royal title like Chhattraputi, which, in loyal humility, I refrain from using whilst under the cloud of misfortune and until the light of Her Majesty's countenance shall be again turned upon our ancient princely house. The Mortub *seal* of which (with due respect and reserve but for convenience of reference) I affix an impression is also a family (ordinary) Seal suitable to the usage of any substantial Mahratta house. Your Excellency, on submitting it to any who are curious and skilful in these matters, will be assured that it is only such a *seal* Mortub as is used by many Jagheerdars, Enamdars, and others without any pretension to princely rank.*

* Copy of the Mortub with its translation in English.

लेखनावधि. (END OF WRITING.)

3. Therefore I have to pray that your Excellency will cause it to be signified to the Bombay Government that there is no objection to my using this title and seal, so that the embargo which the Political Agent seeks to lay upon my communicating with the Local Government in due and customary style may be taken off.

4. It is convenient here to refer to another matter of form and social repute which is dealt with by the Political Agent in para. 5 of his letter, but which is there mixed up with the question of my personal expenditure, that, again, being intimately connected with the large and primary subject of my now suspended allowance. In reply to my request to be placed according to my proper rank in the list of Sirdars of the Deccan, the Agent informs me that when I have 'rendered myself worthy of being entered' in the list of Sirdars the Government will then take into consideration my request; but it appears to me, with due submission, that this is altogether reversing the proper way of looking at this plea of mine. No fault whatever has been committed by me to shew that I am unworthy to prefer the request which I have made. My position as head of the Marathá princes, chiefs, and people acknowledged by them, cannot be ignored without doing violence to all traditions and regulations that determine the usages of Indian political ceremonial. The rank and dignity of our ancient princely house remains as of old, and

* In one of the many letters forwarded to the Bombay Government in April, 1848, by Sir Bartle Frere having reference to the several questions which arose on the decease of my adoptive father, the late Rajah H. H. Appa Sahib Maharaj, there is one passage which, when referred to, makes my above explanation about the seals indisputably clear. The passage runs thus:—"I have the honour to forward translations of two memo-"randa received from His Highness the Raja of Sattara late on the evening of the 3rd Instant; they are in a "more formal shape than usual, bearing at top the "Sicca" or great seal of state, which is only used on "grants, treaties, and other documents of similar importance, and instead of the "Mortub" or privy seal gene-"rally *used by way of authentication*, at the end of His Highness's yads, they [these memoranda] are signed at "length with his name in full, a formality of which I know no other instance, except the treaty concluded "with His Highness in 1839; &c."

would be so acknowledged by the greatest Maratha Princes of this day. And although I, its representative, am at present excluded from principality and power, those princes would grant me precedence and show me the highest honour; even, as your Excellency well knows, one of the gallant princes royal of England became attendant to his own prisoner the king of France when by conquest he had dispossessed that monarch of his kingdom. In like manner though deprived of my principality, and, for the present, denied any stipend from its revenues, I humbly crave that your Excellency will cause to be awarded to me the honorary and traditional position which pertains to me as representative of the house of Sevajee.

5. With regard to what the Political Agent speaks of as my "establishment of heavy expenditure" I have only to say that due enquiry will show, first, that the term "heavy expenditure" does not apply; second, that my establishment is barely suited to my position; third, that it would be wrong to reduce this establishment whilst the voluminous and well considered Appeal of my adoptive mother, the late Rani, has yet to be presented and considered. Your Excellency may be assured that the adversities of our house render me altogether averse to extravagance and in no way desirous of needless display and cumber.

6. In paragraph 2 of the Political Agent's letter while communicating the refusal of the Bombay Government to grant or support the granting of an allowance to me similar to that enjoyed by my adoptive mother, the late Rani, that officer appears to have confounded together my Memorial of April 16th sent to the Bombay Government, and by it forwarded on to your Excellency—to which now appertains this my new appeal in confirmation and support thereof—with the large Memorial and appeal of the late Rani against the annexation in 1849, not yet presented in full. That officer also almost assumes and anticipates that neither the Home Government nor your Excellency will lend a favourable ear to our prayers; but may I not use the privilege of a petitioner in expressing the confident hope that this my appeal in support of the Memorial to His Excellency Sir Philip Wodehouse (now forwarded by the Bombay Government) will meet with full, patient, and generous consideration by your Excellency in Council. As to the late Ranee's Memorial to Her Majesty (now being translated) it would be very disloyal in me were I to entertain any doubt that it will receive every attention and favourable consideration from Her Majesty's advisers and the Secretary of State. This allows me also to express the belief that, your Excellency, in considering and replying to my own Memorial now before you and this appeal, will not decide or resolve in any way so as to preclude or prejudge the grave questions of state that are raised in Her late Highness's great Memorial.

7. I regret to observe that this course of prejudging one large question dealt with both in my Memorial now before your Excellency and in the late Rani's Memorial has been followed by the Political Agent in para. 3 of his *yad* of July 3rd. I refer to the remark that "Government sees no reason to suppose that there is an analogy between your (my) "condition and that of Meharban Venkojee Bhouslay whom the late Maharaja had adopt-"ed." This view is so widely at variance with the common customs of the Marathas and opposed to highest authorities on Hindu law that to give an elaborate refutation of it here would occupy much of your Excellency's valuable time. Nor is such refutation called for in this appeal. The objection referred to by the Political Agent is met in my Memorial of April 16th now before your Excellency and the whole subject is exhaustively treated in her late Highness's Memorial. At present it suffices to point out that so far from there being "no reason to suppose" "an analogy" between a son adopted by a dying prince

and one adopted by the widows of such prince I may refer you to what has been done in the case of my neighbour and kinsman the Raja of Kolapoor. It is well-known to your Excellency, as to all the world, that the much lamented prince His Highness Raja Ram the late Raja of Kolapoor, died at Florence far from his family and native land; nevertheless his widow—not an experienced Ranee like my adoptive mother, but only a young girl—was allowed to adopt without hesitation, and sanction was given to that act of state by which the present young Raja sits on the Gadi. Numerous cases might be cited to show that formal proper adoption by the widow, duly qualified, carries with it all the force and sanction that attaches to adoption by the husband. Hence the remarks in para. 3 in the Sattara Political Agent's *Yad* do not effect my claim in any way.

8. It is now finally my duty and privilege to appeal to your Excellency against the orders of the Bombay Government as intimated in paras. 4, 6, and 7 of the Political Agent's *yad*. Here I am told that Government insist on taking possession of my ancestors' palace, alleging that it is a public *wada* or building; it is also announced that the Gudkuries (or hillmen guards) of her late Highness are being compromised with and dismissed; also that the Political Agent will (as Collector) speedily dispose of the police now in attendance at the palace leaving only just sufficient to protect it as an important public building. All these matters as well as the urgent question of an *ad interim* continuance of my allowance are all spoken of fully in my Memorial of April 16th. Lest I might weary your Excellency too much I will not now repeat what was then said. As to the palaces being *public* buildings, they were built by the late Maharajas so that they were essentially an appanage of our family. Though large and commodious for the special purposes of a prince's residence, hall of audience, and ministerial departments, their money value is comparatively small, and it would be beneath the dignity of the British Government to expel us from their precincts. As to the "private house" to which by the Political Agent I am almost contemptuously directed to betake myself, that is a place scarcely worthy to be the dwelling house of a karkoon or shopkeeper.

But I have to acknowledge, with much gratitude to the Bombay Government, that they kindly allow me to occupy the palace until November 1st. Long ere that date, I humbly trust your Excellency, in accord with Her Majesty's Secretary of State, will have seen fit to grant a favourable response to my Memorial of April 16th. As to the dismissal of the guards and attendants I need not now further speak.

9. Finally it will be perceived by your Excellency that in this year 1874, the Bombay Government and its officers are bent on carrying out in all literal harshness the sweeping decisions of Lord Dalhousie in 1849. It is not for a moment to be supposed that your Excellency and Her Majesty's Government are in anyway bound by the baneful counsels of that evil time. Rather may the Princes and people of India counting upon the many gracious promises of Her Majesty and Secretaries of States, also upon your own Excellency's declarations at Bombay and Indore towards the close of 1872, confidently expect that yourself and colleagues will welcome any fair opportunities that may arise to supersede the orders and reverse the iniquitous decrees of that unhappy period. It is not my purpose now to enter any appeal against the annexation of our territory in 1849: that great duty has been performed by my adoptive mother, the late Rani Sugoonabai; and in connection with that it is only my humble function to carry out her dying wishes in seeing that her Memorial is duly placed at the foot of QUEEN VICTORIA'S throne.

This my present urgent prayer is to beg that your Excellency will at once interpose your all powerful protection to prevent my threatened expulsion from our ancestral palace.

or the degradation of our ancient name, and to secure to me the continuance of the stipend allowed to her late Highness so that I may be enabled to maintain myself and family in that decent state and social distinction which all the Mahratta people hope to see me sustain.

(Sd.) ABA SAHEB MAHARAJ KHASA.

Sattara, 16th July, 1874.

D. A supplemental Memorial was forwarded to the Government of India from Shreemunt Rajaram on the 12th of August, 1874, which is as follows :—

(*Extract No.* 4.)

To

HIS EXCELLENCY

LORD NORTHBROOK, G. C. S. I.,

GOVERNOR GENERAL OF INDIA.

The humble Memorial of Shreemant Rajarâm Maharaj *alias* Abasaheb Maharaj Bhosle of Sattara.

SHEWETH:—

1. That proferring this as a supplement to the appeal dated 16th July, 1874, submitted to your Excellency by your Lordship's humble memorialist, with papers noted in the margin,[1] your memorialist's case should be regarded as urgent and one requiring very early decision.

2. That once the ancestors of your humble memorialist enjoyed sovereignty over most of southern India. After the extinction of the Peishwa rule, the British Government annexed the Mahratta Empire, yielding revenue of several crores of rupees, to their own, leaving to your memorialist's ancestors, only a small independent kingdom of fourteen lacs. Your memorialist's father, His Highness the late Appa Saheb Maharaj Chhatrapati, died in A. D. 1848, when, disregarding the terms of the Treaty, the customs of the country, and the Hindu Shastra, His Highness's family was arbitrarily deprived of that small kingdom. It is, however, not my intention to enlarge upon this subject here. Our regal honours, dignity, and title became, perforce, extinct with the kingdom; but as if, with a desire to abase your memorialist and the Sattara princely family to the very dust, the Bombay Government have forbidden the use of the family title (Shreemant Maharaj)—as explained in detail in paras. 2 and 3 of the Memorial of 16th July, 1874—in papers addressed to them, and, further, seem to threaten, if not direct that memorials wherein such title is used shall not be answered. Therefore, your Excellency's humble memorialist begs your Lordship at once to interpose and direct the said Government not to prohibit your humble memorialist from making use of his proper (non-regal) title. In support of this earnest request your memorialist craves attention to the considerations stated below.

a. Not to mention the previous wresting from the Sattara Maharaj of all his power and right over the Mahratta empire yielding crores of rupees, even the small kingdom

1 *a.* A printed Memorial to the Government of Bombay dated 16th April 1874.
b. English translation of a reply dated 3rd July, 1874, to the above Memorial received through the Political Agent at Sattara.

assigned to us in 1819, was unwarrantably taken back contrary to the terms of the Treaty, and the family was deprived of the position and enjoyment of all princely rights. Is it proper then, and consonant with the benign sway of our gracious Queen to deny us the use of our family title of Shreemant Maharaj, reducing us to the level of common people and seeking to blot out, as it were, our very name from the Deccan?

b. Shreemunt Maharaj (as already mentioned in my appeal of July 16th) is not a regal title. The royal title is Chhatrapati which we do not at present attempt to make use of. Shreemant is a title applicable everywhere in India, to men of ordinary social distinction: and Maharaj, likewise, is not a regal title, as shown in paras. 2 and 3 of the Memorial dated 16th July, 1874.

c. The British Government have acknowledged similar titular titles in many instances,[2] and allow the free use of such designations by many persons who have no princely traditions as we have.

d. Is it fitting for our former ally and co-ordinate political power, the British Government, to seek thus without any cause—as plainly intended by the Bombay Government—for the extinction of our family title when we have continued faithful to that power?

e. Even the Hon'ble Mr. Reid, who was anxious for the annexation of our kingdom, says (on the 25th April, 1848) in the 9th para.[3] of his Minute, that though the ex-Raja of Sattara had forfeited his claims to the Rajya, still his successor had full claims to the titular dignity. Though the Hon'ble Mr.. Reid gave his opinion in favour of the annexation of our kingdom, he was very far from proposing the extinction of the family title. Therefore, on this point your Excellency's memorialist begs to direct your Lordship's attention to the opinion of the honourable Mr. Reid, although that Councillor was not a friend of our Raj.

f. In 1850 the Bombay Government were of opinion[4] that the name and dignity of our family should not be extinguished, and so they addressed letters—No. 16, dated 5th January, and No. 1063, dated 5th March, 1850—to that effect, to the Resident at Sattara. Your humble memorialist's mother (the elder Rani) was accordingly written to on the subject; but, owing to the pressure of grief and perplexity she was then under, no answer was returned, and the matter was allowed to drift.

g. The policy prevalent from 1850 to 1857 of depriving the princes, chiefs, and superior landholders in India of their dignities, their titles, and their kingdoms, is no longer followed by Her Gracious Majesty the Queen. Her Majesty announced by the proclamation of 1859, the following Royal promise—"We shall regard the rights and "dignities of the native chiefs as we do our own."

In concluding this portion of my present petition, your humble memorialist begs that your Excellency will be pleased, because of reasons herein adduced, and for others that must occur to your lordship's matured judgment, to decide in favour of my prayer, and at least to recognize the titular dignity of your dutiful memorialist's ancient family—standing as it does at the head of all the Mahratta people.

3. An explanation has been given in paras. 2 and 3 of my Memorial dated 16th July, 1874, regarding the use and purpose of my private seal. This seal is not an

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2 H. H. the Nawab of Surat, H. H. the Prince of Arcot, H. H. Maharaja Dhulip Sing of Lahore, H. H. Nawab Nazim of Bengal, H. H. the late Maharaja of Mysore before the order for restoration &ca. &ca.

3 *Vide Parliamentary Papers* with respect to the State of Sattara—p. 65.

4 *Vide* the (printed) Memorial to Bombay Government date 16th April, 1874, Para. 14.

insignia of royalty; as the title of Chhatrapati is distinct so is the seal distinct. This small seal is not an insignia of royalty. The seal, which was in use during the administration of Shrimant Chhatrapati Pratapsing Maharaj, as well as the Mortab which was then in use, has not since the lapse or seizure of the Raj been used by your petitioner's mother, but she used an ordinary one and such has been continued by your petitioner. The following are the translations of the impressions on the regal seal and Mortab used by the Maharaj as also of the ordinary seal used by your memorialist.

Translation of this State Seal is as follows:—
"By the favour of Gowrie and Ishwer (God), the seal of his Majesty Pretap Singh, the son of Shaho Raja, obeyed by all, or commanding all."

Translation of this Mortab which was in use when Raj was in existence is as follows:—
"Let all be done according to those orders."

Translation of this Mortal brought in use after the annexation of our Raj by my mother (the late Rani) which I made use of is as follows:-
"End of writing."

4. When your memorialist's elder brother Venkoji Maharaj died in 1864, the Political Agent called on your memorialist's mother to pay a visit of condolence. At that time your memorialist's mother (the Rani) expressed her wish that the princely line should be continued by taking a boy in adoption. The Political Agent hereupon intimated that an order to the effect would have to be obtained; and accordingly Orders were issued* by the Bombay, Calcutta, and Home Governments. In those orders it was written that your memorialist was entitled to the private property of his mother and to her rights. Perhaps it may be said, the point having been raised, your memorialist was adopted by his mother [only] to the extent of her rights in her private property. But there is no mention whatsoever to that effect in any of the several papers given in by his mother (the late Rani) to Government. Government sanctioned the proposals as made by the Political Agent. But there is nothing to show that your memorialist's mother did signify her consent to the terms and bounds of those proposals.

5. The Bombay Government raised a doubt whether your memorialist was entitled to all the rights which his deceased brother Venkoji possessed. But it must be considered how this would stand to reason and law. According to Hindu law and the usage of the country, the second adopted son is held entitled to all those rights which the first and predeceased adopted has possessed. This point has been cleared up in para. 8 of your memorialist's printed memo. to the Bombay Government bearing date the 16th April; and moreover this question can be more decisively decided if a reference is made to the Shastris of Hindustan. Great hardship is inflicted by Government holding to its arbitrary notion, instead of making the desired inquiry and re-

* (*Vide* para. 5 of the despatch of the Secretary of State for India, dated 31st January, 1866, to the Government of India.)

ference. Therefore, if doubt remains as to your memorialist's status being really the same as that of Venkojee deceased, let an inquiry on the point be made.

6. Sir Bartle Frere made a report to Government (No. 143 dated 7th November, 1848) that after the death of the Rani, your memorialist's mother, your memorialist's brother and predecessor should every month receive a sum of Rs. (7500) seven thousand and five hundred. Afterwards the Bombay Government, with the sanction of the Calcutta Government, wrote a letter to the Resident at Sattara No. 2185, dated the 13th May 1850, in the 8th para. whereof there is a promise to the effect, that this matter would be considered after the death of your memorialist's mother, by the Calcutta Government; and, in accordance with the aforesaid order, an intimation was made to the late Rani. The following passage being para. 10 of the Hon'ble Court's despatch to the India Government No. 4, dated the 24 January, 1849, is still more emphatically in favour of my present prayer:—

"A liberal provision will of course be made for the relatives and dependents of the late Raja *including the adopted son;* if the private property of the deceased should not be of such amount as to render an additional provision superfluous." * *

And even the late Marquis of Dalhousie, in the 36th para. of his Minute dated the 30th August, 1848, wrote as follows:—

"36. The boy whom he (the late Raja) adopted should at once be allowed to succeed to all private property, and to every thing excepting public rights.

"If this provision should not be sufficient for him, a *stipend should be allowed* to him from the revenues of the State."

Now in the year 1848, Sir Bartle Frere took an inventory of H. H. the late Rajah's property and made a report thereon to Government. This was referred to in the letter of the Bombay Government to the Resident at Sattara No. 2185, dated the 13th May, 1850, para. 4. The whole property is estimated at Rs. 15,73,172— 1—9.

The personal estate of the deceased Maharaj consists of—

Jewellery, Gold and Silver, cloth, instruments &c.	Rs.	7,91,744— 3—6
Elephants, horses, camels &c.....	Rs.	36,056— 0—0
Ornaments pertaining to the room in which God is worshipped, and to the paga &c.....	Rs.	4,03,253—11—0
Ornaments of Sagoonbai Aee Sahib Maharaj.....	Rs.	2,04,827—10—6
Ornaments of Jijanbai Mai Saheb Maharaj	Rs.	69,814— 1—9
Ornaments of Saibai Baya Saheb Maharaj.....	Rs.	67,476— 7—0
	Total Rs.	15,73,172— 1—9

The above is the detail of the Maharaja's personal estate and in this list are included cattle, instruments, glasses, and the tents &c. of the Commissariat. This was divided by your memorialist's three mothers; and while they were alive they gave away some of the property to their relatives and such of the articles as were perishable did perish; and, besides, for 13 months after the Raj was seized no stipend whatsoever was paid. In consequence of this, property was sold for the maintenance as well of ourselves, our servants, cattle, and retinue. It will thus be easily conjectured what little must have remained in your memorialist's possession. At a rough estimate ⅛ of the property

consisted of valuable jewellery and that was divided by the three Ranis; and your memorialist's mother built a temple at Mahole, on the bank of the Kristna, at a distance of 2 koss from Sattara, at a cost of Rs. 1,50,000 by disposing of jewellery—this work yet remains to be completed. This is the state of the property. The proceeds of the hereditary Patilki (hereditary village office) and Deshmuakh wattans (hereditary district offices) amount from of old to Rs. 20,000; but, owing to the present somewhat higher prices fetches at present Rs. 26,000. These are all the proceeds of the late Rajah's revenues and property remaining to your memorialist. Therefore whatever is to be granted should be granted early for it is nearly (5) five months since your memorialist's mother (the Rani) died; and the current expenses, being not curtailable, are going on in the same manner as before. In addition to this, several debts of the time of the late Rani, are still to be liquidated. Moreover in support of this my present request it may here be conveniently mentioned that the late Court of Directors have repeatedly ruled that all the Enams, Surinjams, Jehageers, Varshsans and allowances made to sirdars, supporters, and servants by your memoralist's father, uncle and ancestors, should be continued in the same spirt in which they were made, and injunctions to this effect are contained in the despatch to the address of the Governor General dated 7th February, 1838. They are as follows:—

"I recommend that all granted by the Mogul Emperors, or the Rajás of Sattara, should be hereditary in the fullest sense of the word. The former must generally have been very long in the families which held them, and had survived two changes of dynasty; these do not seem now to be interfered with. *The latest* of the Sattara grants must *now be near a century old*, and must have survived one change of dynasty, besides our conquest: surely this is enough to entitle the possessor to feel secure from future disturbance. On this principle I believe we stipulated with the new Raja of Sattara, that he should not resume such grants of his ancestors as lay within his territory; binding ourselves by implication (if the fact be as I suppose) not to resume those within ours." Again, "Amoñg the number (of jagheerdars) is Yeswunt Row Dhabarry, mentioned in the seventeenth paragraph of Mr. Warden's letter, 8th January, 1834. This man's ancestor was hereditary General of the Raja of Sattara's army, and contested with the first Peishwa the possession of the Mahratta Government when the Raja became incapable of exercising it. The family possessed the province of Guzarat till they were driven out by their own servant, the Gykowar, combined with their old rival, the Peishwa."

Such are the decisions of the late Court of Directors bearing on this present appeal; and your memorialist's father and uncle (the two Rajahs since 1818), with the intention of having a perpetual grant made from the kingdom, wrote a letter in 1818, to Captain James Grant the then Resident, and they also wrote in their private books in their own handwriting that a perpetual grant has been made for my family. The following is the (translation of) para. 2 of the letter witten by the Maharaj to Captain Grant.—

Rs. 5,00,000 are annually paid for private expenses, this may be continued from generation to generation. In the same manner, garden and sheri lands may be continued as well as the Patilki and Deshmukhi wattans. Should an exchange of these be made a convenient and equivalent [concession] may be made.

On the above representation being made known by "Grant Saheb" to Government, a reply was sent under date the 8th April 1818, the substance whereof is as follows: and the same appeared in the Evening *Sun* of London of the 22nd March, 1851.

"The personal expenses of the Raja and his family ought for the present to be about 3 lacs of Rupees per annum. The employment of this ought to be left to His Highness, with no other check than may be necessary to prevent his exceeding the amount allowed him."

The substance of what Colonel Ovans wrote under date 28th September, 1839, to Government also appeared in the Evening *Sun* of the aforesaid day—It is as follows:—

"It appears that when affairs here were in Captain Grant's hands a sum of 3,12,000 Rupees annually was allowed for the private expenses of the Raja and his family; * * * * * * * * * * * * * * and afterwards when the management of the country was made over to the ex-Raja, 4,00,000 Rupees was the annual sum allowed for this purpose, and 1,00,000 more were annually set aside for extraordinary State expenses."

When your memorialist's father contemplated an Enam being granted to Ballaji Narayan Nathu some correspondence passed between the Resident of Sattara, the Bombay Government and the Court of Directors, and a final decision was arrived at by the Court under date the 7th April 1841. The Court came to the conclusion that your memorialist's father was quite competent to make grants of the nature. It is as follows:—

"We do not feel that we have any concern with the favours which the Raja of Sattara may think fit to confer upon his own subjects, except in so far as our general right of giving advice to the Raja might empower and require us to check any tendency on his part to a liberality excessive in amount." * * * * * * *

If the Maharaj was competent to make perpetual grants to other people, it follows that the British Government, because the Raj is annexed and absorbed, should not have stopped the personal grant of Rs. 5,00,000 made by the Maharaja to his own family. It is moreover a decision of the Court that the grants made by the Maharaj should be continued. But your memorialist does not continue this subject further. His present prayer is only that the sum of Rs. 7500, as mentioned above, should be continued to him as head and representative of the Sattara princely family.

7. Your memorialist has made mention of buildings in para. 11 of his memo. to the Bombay Government, dated 16th April. This subject will, no doubt, be duly considered by your Excellency. It is harsh and unseemly that a disposition should be cherished for taking our dwelling houses and ancestral abodes because your memorialist's family has been dethroned. The despatch of the Court of Directors dated the 24th January, 1849, enjoins that your memorialist's private property may be restored us. Accordingly it was then understood that the jewellery, utensils, cattle, chandeliers and glassware then in the cellars was private property, and to that your memorialist's private right was confined; and the rest of the property belonging to the army and public establishments, was taken possession of by the British Government as forming part of the Dowlat or State property. Your memorialist does not here make any claim regarding that property. He does not say here anything regarding the buildings constructed by Shrimant Shiwaji Maharaj, and Shahu Maharaj and their ancestors in the forts of Sattara, nor say anything regarding the Rang Mahal or the Dowl wada and the Adalat building. The buildings on the famous Pratapgad (Pertabgurh) fort and those situated elsewhere were taken possession of; some were sold, some were pulled down, and in some Government offices are located. He does not say anything regarding these, but in his palace enclosure there are two wadas or houses one new and the other old, and attached to them are stables, a building called Jal Mandir (or a building in water), and an old building in a dilapidated state. A wish to take these poor properties away from the possession of your memorialist has been manifested, and he is put to great annoyance. These buildings were constructed from the accumulated saving out of the monthly allow-

ance of Rs. 33,333-5-4 which was specially made for private expenses. Had these been constructed from the state revenues their resumption might have been excusable. It is very harassing to your memorialist and very discouraging to the family and all interested in these matters, to find that some resolve has been arrived at by the Bombay authorities for taking possession of buildings and other property without inquiring from what source they were constructed; without looking into papers and obtaining proper information. Possibly some trifling amounts have been expended on the new building from the sums set apart for State expenses, but it would be improper to say therefore that the entire building belonged to the State. If the excuse for resumption of the buildings be that they were constructed from the Dowlat or revenues set apart for state purposes after the grant of the Raj by the British Government, one cannot understand why the buildings constructed by your memorialist's ancestors, viz., Shrimant Shiwaji and Shahu Maharajas, were also taken possession of. Such of the buildings or works of public utility as were constructed from the state revenues or Dowlat after the conferring of the Raj in 1819, might be taken possession of as part of the wholesale resumption advocated by some stern authorities; but, without making any distinction, all the buildings have been or are to be resumed and swept into the revenues and stock of the Bombay presidency, leaving not a vestige for the dwelling and name of your memorialist. Some of the buildings have been sold, some pulled down, and in some, Government offices are at present located. The total value of the buildings thus disposed of would far exceed the value of those now in your memorialist's occupation. This point should therefore be borne in mind by Government. Is it reasonable that because the Raj has been resumed the buildings constructed from the personal and private income of those to whom it belonged should also be resumed? In the new wada or palace in the occupation of your memorialist there are some places set apart as sacred and as monuments of ancestry, which places have afforded recreation and retreats to several princes and sirdars. Here at all times prayers are said and sermons preached, and here no person of a low order has ever been admitted; but such places the Bombay authorities now wish to be declared public where any common person from the street or jungle can go in to defile by lounging about and doing any sacreligious act. This state of affairs, as threatened by the course indicated in the Collector's *Yad*, of July 3rd has been the cause of great sorrow to your memorialist, his family, and all his dependents. History would afford few instances where even after the defeat of an enemy in war, the conquering nation would deprive the inmates of their dwelling houses and venerated apartments of their ancestors. The paltry buildings which now it is said, as if contemptuously, may be held by your memorialist are all in a dilapidated condition, their walls leaning with decay. One of these ruinous buildings called that of "the Nandikar" is quite unfit for the habitation of a butler; and that even is not to be returned to your memorialist or to Government until after the death of the present holder! This and two or three similar buildings were constructed by the Maharaj for the use of concubines, and without any thought of permanence or suitability for long residence. Two of these three tumble-down places would at the most fetch a price of Rs. 2500. It is nearly 50 years since most of these premises were constructed. The third of these houses is at present in the occupation of your memorialist's relatives. It would only fetch a price of Rs. 4000 to 5000 and it is altogether in a ruinous state. Also these three buildings are situated at a distance of a quarter mile from each other. The Political Agent at Sattara will, if referred to, corroborate the description thus given of the three buildings. Although all the buildings except the new Wadà were constructed from the private monies of the Raja, they were taken possession of by the late East India Company. If Government is now prepared to

make an inquiry your memorialist will most gladly adduce documentary evidence showing that these were built from private funds. The Political Agent at Sattara has ruled that the new wada or palace should be vacated by the 1st of November next. Your memorialist therefore prays that until all the questions raised, both in my own and my adoptive mother's memorials now before your Excellency in Council and the Secretary of State, are finally disposed of, the Bombay Government may be written to not to press its harsh order of ejectment, and that your Excellency in Council may be graciously pleased to allow the continuance of the new *wada* or palace in your memorialist's and his family's possession.

8. H. H. Shrimant Chhatrapati Shivaji Maharaja deceased, granted Enams to several servants and they used to serve on that account. This has been going on many years. About 167 of the servants of the class "Gadkari" used to render service up to the decease of the late Rani, your memorialist's mother. Immediately on her death your memorialist was deprived of their services. Several other persons have had to be employed in their stead with the sole intention of avoiding inconvenience caused by their absence. The sole intention of Government in dispensing with the service of the Gadakaris seems to be that half of the Enam proceeds enjoyed by them may be saved or resumed. This measure may produce a pecuniary benefit of about Rs. 6000 to Government! For this prospective advantage alone has your memorialist been thus greatly inconvenienced. Therefore it is prayed that it be now ordered that the Gadakaris should render service to your memorialist as before. This subject has been dwelt upon at length in the 12 para. of your memorialist's printed Memorial dated 19th April, and it is now urgent in relation to your memorialist's petition.

9. For the protection of the late Rani, your memorialist's mother, as well as for keeping order around the wadas, Government had allotted 26 policemen. These have been dispensed with. This has been referred to in para. 13 of your memorialist's memo. dated 16th April. This subject, also it is hoped, may be considered and orders passed for the retention of the police.

10. The Bombay Government is at present considering the propriety of granting pensions to some of your memorialist's servants. By the contemplated proposal of granting pensions, without the intervention and independent of your memorialist a great hardship would be entailed. After pensions have been awarded to these persons in such manner your memorialist's hold over them would be lost, and there would be no reason for them to render service to your memorialist. Most of these people receive salaries varying from $1\frac{1}{2}$ Rs. to 4 Rs. Your memorialist has learnt that a pension at an uniform rate of Rs. 4, is to be awarded. Should such be the case, your memorialist submits that the measure would prove a loss to him inasmuch as the sum thus awarded in pensions would be shown as money paid on account of your memorialist's mother's estate. This measure will in no wise prove of any benefit to your memorialist nor to Government, and all the trouble taken in the matter is unnecessary. Whatever is to be paid to them should be added to the allowance which your memorialist may be held entitled to and paid to him. This would necessitate their rendering service to your memorialist. It may be urged against this proposal that Government would have to dispose of unnecessary disputes arising, should money to these people be not paid; but your memorialist submits that any such unlikely occurrence should be met by deducting the amount, not paid, from his allowances. By this means a great benefit would accrue to your memorialist, should any person be incapacitated to render service by old age or any other infirmity, pension would be granted to him in the same manner as is at present done.

11. There are in the Sattara territory Devasthans (holy shrines with state endowments) of long standing. These are supervised by *Panches* or Committees appointed by Government. It is not necessary that they should be under the superintendence of such committees. The decision of Government is that the descendants of those who have established the Devasthans should manage them. Such being the case Government officials unnecessarily interfere. Steps should be taken to put a stop to this practice.

12. Government, during the life time of the late Rani, invested one of your memorialist's servants—who had the management of her four (4) villages held hereditarily—with the powers of a 3rd Class Magistrate. These powers have been withdrawn since the death of the Rani whereby great hindrance has been caused to the recovery of revenues and to the preservation of peace in the villages. Therefore it is hoped that the former arrangements therein will be restored.

13. The Collector of Sattara has commenced to address your memorialist as a "certain Bhosala" and every business document is sent to your memorialist in this loose and disrespectful manner. It is evident that every body, including patils and the smallest officials, will, begin to address your memorialist in this manner; but how can he lower his family name by condescending to grant reply to such humiliating address? Such superscription and address—by convincing your memorialist that the Bombay authorities, once the allies and close friends of our princely house, are bent upon his utter humiliation—will not fail to wring tears from your memorialist's eyes, and must cloud his mind with bitter grief when he reflects that in him a long line of illustrious ancestors and the history of a brave and patriotic race are cast down to the dust and condemned to utter neglect, and this, too, by the successors of those great statesmen who deemed it high policy to make alliance with our royal house. Hence your Excellency will perceive that we must bow our heads and hold our breath, until, at least, the titular dignity of our ancient family be acknowledged, and provision made for its decent maintenance. By your Excellency's prompt attention to this matter of the proper address and formal respect due to me, hope will be kept alive, and your memorialist's self respect and confidence shall be maintained. Another matter I here speak of: during the life time of the late Rani, your memorialist's mother, most of the business with Government and other people was carried on in the name of the Karabhari. Lately this practice and proper form has been stopped: steps should therefore be taken to instruct the Sattara officials to follow the old practice. The Karabhari, besides, holds a full and general power of attorney from your memorialist.

14. The late Rani, your memorialist's mother, shortly before her death, personally delivered (on the 14 March 1874) to the Political Agent, a petition of appeal (being the abstract of a large one) to Her Gracious Majesty the Queen in the matter of the annexation of our Raja, and that officer transmitted it to Government. Your memorialist here begs leave to inform your Excellency that he has appointed, by power of attorney, some very respectable persons to carry on correspondence with, or to prosecute the appeal before the Government of Bombay, or the Calcutta, or Home Governments regarding the late Rani's Memorial, translation of which is now nearly completed.

15. The late Rani, your memorialist's mother, during the later days of her life, drew up, addressed, and sealed certain private letters to several chiefs of Hindoostan, who live on terms of friendship and extreme loyalty with Her Gracious Majesty the Queen. Her Highness declared the contents thereof to your memorialist, to the effect, that she hoped that these ancient allies and feudatories of the Mahratta Empire would intercede with Her Gracious Majesty the Queen in order that her great Memorial of appeal in the matter of the Raj may be favourably considered, and that they may all join in a petition on that

behalf. Therefore it should be explained whether there can be any objection, under the treaties of 1819 and 1839, against your memorialist sending his servants for making known the contents of that sealed packet, intimation of the contents of which has been now given.

16. There are thus two or three matters, which urgently require to be brought to the notice of the Bombay Government. Your Memorialist feels much obliged for the salutary advice contained in the reply of the Political Agent, dated 3rd July 1874, to the effect that his expenditure should be reduced. But your memorialist has already adduced good reasons to show that the expenses are not great. In the very *yad* just referred to, it is intimated that your memorialist, instead of using the titular dignity of his family (not of his *Raj*) in his communication, should address Government like any ordinary subject without social lineage or political claims. This subject, one of pressing practical importance, has already been fully discussed in para. 7 of this Memorial; but, pending your Excellency's gracious reply, should the titular dignity and seal be employed in any further communications it would be a disobedience of the orders of the Bombay Government, and, on the other hand, extreme pain is caused if communications have to be improperly addressed and irretrievable loss may be caused to the influence and repute of the ancient Sattara family. For these urgent reasons these matters have been laid before your Excellency so speedily after my Memorial of July 16th; and it is hoped that your Lordship will be pleased at once to permit the use of the titular dignity and seals, and cause to be removed the great obstacle which your momorialist experiences, at present, in writing to the Bombay Government on any matter that may arise.

17. A translation into the English language has been made of the Maratha petition of appeal already referred to, submitted by the late Rani, your memorialist's mother, under date the 14th March 1874, in the great matter of the seizure of the Raj. It is being printed and more than half is ready. The entire document will be ready by the end of August. It contains in detail all possible information respecting the position and claims of the Sattara princely family, from the commencement up to the present. This document comprises Government decisions and proofs from the records and other sources. It extends to 300 pages. As soon as the printed pages are ready some will be sent to your Excellency, to the Bombay Government, and to the Secretary of State to be laid before Her Majesty to whom it was addressed by H. H. the late Rani. Should therefore your Excellency in Council have any doubts regarding the weightier points raised in this Memorial, your memorialist begs that your Excellency in Council will be pleased to defer final judgment till that large printed Memorial is received. From the information therein given by the late Rani, your memorialist's mother, your memorialist trusts that your Excellency in Council will take a broad and generous view on all the great questions raised therein. Therefore it is hoped your Excellency may be good enough to defer consideration of doubtful points till the receipt of the full document. It appears from a letter of the Political Agent at Sattara that the condensed petition of appeal given in on the 14th March 1874, by your memorialist's mother—that being merely an abstract of the complete Memorial—has been sent by the Bombay Government to the Home Government in England. It is therefore peculiarly necessary to request that till the translation of the great petition of appeal is received by your Excellency in Council no final adverse judgment be passed on any vital point. Your memorialist craves also that your Excellency will be pleased to communicate to the Secretary of State your just and farseeing views on all the matters therein discussed at length.

18. Under date the 16th July 1874, a telegram was sent to the Foreign Secretary of your Excellency's Government and it is requested therein, briefly, that the outward position of affairs which existed during the lifetime of H. H. the late Rani, your memorialist's mother, as respects honors, nemnooks or allowances, and the Gadakaris and the Police, and other matters may be continued. No reply has been received to the telegram therefore I am resting daily in the hope that your Excellency will be pleased to grant the prayers therein made. Your memorialist's mother had no insignia of Royalty whatsoever and her state was quite simple. Your memorialist therefore prays that an immediate order may be issued to the Bombay Government not to make any harsh and hurried changes.

19. As aforesaid a telegram was sent because your memorialist felt extremely aggrieved, and because he and the whole Sattara family will suffer a great loss if ever his present position should be lowered as is threatened by the Bombay authorities. Is it reasonable that the British Government should reduce the descendant of a once great king, who had an empire worth crores in his possession, to this low state? That kingdom was taken from him, and a portion was given him in perpetuity, but that portion was also taken away without any cause. Arguments against the measure were then urged by several able statesmen. It is only now asked that Government shall allow to a descendant of the family but a small portion of the revenues once enjoyed to an immense extent by the sovereigns of the Mahratta peoples.

20. Your Excellency will, it is not to be doubted, be pleased to grant to your memorialist early replies on all the matters mentioned in this Memorial.

21. This petition of appeal has been presented to your Excellency because, as I am assured, it is widely known that your Excellency possesses the rare qualities of greatness of heart, generosity, great foresight, and a love for justice.

(Signed) RAJARAM MAHARAJA KHASH.

Sattara, 12th August, 1874.

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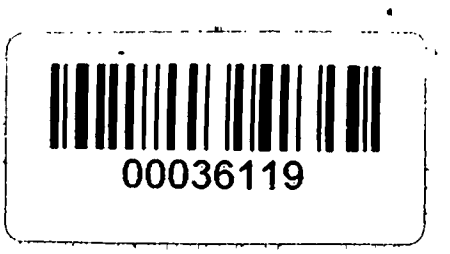
1874.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